

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2006**

**ROCHESTER, NEW YORK
U.S.A.**

Officials 2006

Robert J. Duffy
Mayor

Patricia Malgieri
Deputy Mayor

Darryl Porter
Assistant to the Mayor

Vincent J. Carfagna
Director of Finance

Molly Clifford
Director of Neighborhood Empowerment Team

Paul M. Holahan
Commissioner of Environmental Services

John M. Merklinger
Director of Emergency Communications

Charles D. Reaves
Commissioner of Recreation and Youth Services

Julio Vazquez
Commissioner of Community Development

R. Carlos Carballada⁽⁴⁾
Commissioner of Economic Development

Donna L. Turner⁽⁶⁾
Director of Human Resource Management

G. Jean Howard
Chief of Staff

William J. Ansbro
Director of Budget & Efficiency

Edward J. Ciaschi⁽¹⁾
Director of Human Resource Management

Timothy Hickey⁽²⁾
Acting Police Chief

Floyd A. Madison
Fire Chief

Paul Morrell⁽³⁾
Acting Commissioner of Economic Development

Thomas S. Richards
Corporation Counsel

Gary Walker
Communications Director

David T. Moore⁽⁵⁾
Police Chief

Paula V. Smith
Library Director

(1) Resigned, May 18, 2006.

(2) Acting Police Chief until March 1, 2006.

(3) Acting Commissioner until April 26, 2006.

(4) As of April 26, 2006.

(5) As of March 1, 2006.

(6) As of May 18, 2006.

Members of Council

2006

Members

Residence

| | |
|---|---|
| Lois J. Giess | 15 East Boulevard, 14610 |
| President, Councilmember, East District | |
| Gladys Santiago | 1850 Culver Road, 14609 |
| Vice President, Councilmember-at-Large | |
| Carolee A. Conklin | 310 Exchange Boulevard, Apt. 257, 14608 |
| Councilmember-at-Large | |
| Benjamin L. Douglas | 135 Rutledge Drive, 14621 |
| Councilmember, Northeast District | |
| John F. Lightfoot | 52 Dr. Samuel McCree Way, 14608 |
| Councilmember-at-Large | |
| Adam C. McFadden | 74 Marlborough Road, 14619 |
| Councilmember, South District | |
| Dana K. Miller | 265 Melrose Street, 14619 |
| Councilmember-at-Large | |
| William F. Pritchard | 250 Rosedale Street, 14620 |
| Councilmember-at-Large | |
| Robert J. Stevenson | 77 Albemarle Street, 14613 |
| Councilmember, Northwest District | |

City Clerk's Office

2006

Daniel B. Karin City Clerk

Sharon C. Conheady⁽¹⁾ Deputy City Clerk

Birth A. Manigault Senior Legislative Assistant

Betsy P. Indivino Legislative Assistant

Rebecca M. McNamara Legislative Assistant

Bernard J. Christopher Legislative Aide Part-time

Candice A. Bianchi Senior Legislative Clerk

Michael Ann Flynn Receptionist

Linda Vazquez⁽²⁾ Legislative Clerk

Carola T. Boza-Meade⁽³⁾ Legislative Clerk

Dorothy A. Sullivan Legislative Clerk Part-time

Carol A. Supernault Legislative Clerk Part-time

(1) Hired January 7, 2006.

(2) Resigned July 14, 2006.

(3) Hired July 17, 2006; Resigned December 8, 2006.

Standing Committees of The City Council 2006

Finance & Public Services
Douglas, Conklin, Miller

Housing & Community Development
Conklin, Douglas, Lightfoot

Jobs, Economic Development & Center City
Pritchard, McFadden, Miller

Parks, Public Works, & the Environment
Stevenson, Lightfoot, Pritchard

Public Safety
McFadden, Miller, Stevenson

The first Councilmember named after
the designation of the Committee is
Chair thereof.

Regular Meetings of the Council - Regular meetings shall be held at 8:00 p.m. in the Council Chamber, Room 302-A, City Hall.

Special Meetings - Special meetings may be called at any time by the Mayor or President of Council or any three Councilmembers.

ORGANIZATION MEETING
JANUARY 3, 2006
4:00 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By Councilmember Conklin

Resolution No. 2006-1

Resolution For The Nomination And Selection Of A President For The Rochester City Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester nominates and selects Lois J. Giess as President for the years 2006-07.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Douglas

Resolution No. 2006-2

Resolution For The Nomination And Selection Of A Vice President For The Rochester City Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester nominates and selects Gladys Santiago as Vice President for the years 2006-07.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Santiago

Resolution No. 2006-3

Resolution For The Selection And Appointment Of The City Clerk

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby selects and appoints Daniel B. Karin as the City Clerk for the years 2006-07.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Miller

Resolution No. 2006-4

Resolution Adopting The Rules Of Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the following Rules of Council, for the years 2006-07.

- I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 8:00 P.M., on the following dates in 2006:

January 17
February 14
March 14
April 11
May 16
June 20
July 18
August 22
September 19
October 17
November 14
December 19

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2007 shall be established in a resolution adopted in 2006. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

- II. SPECIAL MEETINGS - Special meetings may be called at any time by the Mayor, the President of the Council, or any three Councilmembers. The City Clerk shall cause the written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least twenty-four hours before the time fixed for such meeting, except that if such notice is served prior to 5:00 P.M., the time for the special meeting may be fixed at any time after 9:00 A.M. the following day. Councilmembers may waive service of such notice in writing. At such special meeting no business other than that named in the notice of the meeting shall be transacted.
- III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.
- IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.
- V. PRESIDING OFFICER - The President of the Council, and in the President's absence,

the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President *pro tempore*.

VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:

1. Roll Call.
2. Moment of Silence & Pledge of Allegiance.
3. Approval of the minutes of the preceding meeting or meetings.
4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
5. Presentation and reference of petitions and remonstrances.
6. Public Hearings.
7. Introduction of an action upon local laws, ordinances and resolutions.
8. Reports of standing committees and action thereon.
9. Reports of special committees.
10. Miscellaneous business.
11. Adjournment.

VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:

1. In order to speak, a citizen must notify the Clerk's Office before 6:00 p.m. on Council meeting nights.
2. The citizen must specify to the Clerk the subject of his or her remarks.
3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.
 - B. All other speakers.
4. The lists shall be in the order that citizens notified the Clerk's Office.
5. At the start of the session, the President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted

to each speaker. However, the minimum allotted time will be three (3) minutes.

6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
7. Any listed speakers not reached by 8:00 p.m. will be invited to return to the next Council session when their names will be placed at the top of the respective lists.
8. Speakers must relinquish the podium at the end of their allotted time.
9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.

VIII. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. In the case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention: such reasons shall be entered in full upon the journal.

IX. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.

X. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.

XI. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.

XII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at

the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.

- XIII. **WITHDRAWAL OF MOTION** - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XIV. **PROCEDURE ON RESOLUTIONS** - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before a committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are suspended as provided herein.
- XV. **PROCEDURE ON LOCAL LAWS AND ORDINANCES** - All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. Such proposed legislation shall be submitted to the President of the Council. Proposed legislation submitted to the President of the Council by any Councilmember or the Mayor shall be deemed introduced into the Council on the day the President forwards it to the City Clerk who shall note on the copy the date of its introduction and its sequential introductory number.

Proposed legislation shall be similarly distributed to Councilmembers on "Agenda Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered. During the week following Agenda Day, additional legislation may be submitted to the President of Council for distribu-

tion to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor. Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor and President of the Council. The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council. A local law or ordinance amended after introduction shall not become a new local law or ordinance unless the presiding officer, or the Council on an appeal from the presiding officer's ruling, rules that the amendment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the next available regularly scheduled or special Council meeting following introduction of the proposed legislation; or if the hearing is to be held before a committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

- XVI. **CONSTITUTION OF COMMITTEES** - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:

Finance & Public Services; Housing & Community Development; Jobs, Economic Development & Center City; Parks, Public Works & The Environment; Public Safety.

The first named member of each committee shall be Chair. The President and the Vice President shall be *ex officio* voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordinances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XIV, XV, and XVII, which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

XVII. MEETINGS AND PROCEDURES OF STANDING COMMITTEES - A majority of a committee shall constitute a quorum. Each committee shall meet at the call of its Chair or any other two members, upon reasonable notice to all committee members. Regular meetings of the standing committees shall be scheduled no later than five (5) days before the date of a Council meeting.

A committee may hold a public hearing on any proposed legislation referred to it. A committee may amend any proposed legislation referred to it by majority vote of its members taken at a meeting, and if discharged, the Council shall consider the proposed legislation.

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written report signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

If a committee fails or refuses to discharge any proposed legislation referred to it, it may be discharged on a motion duly seconded by the affirmative vote of a majority of the Council.

XVIII. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein pro-

vided.

XIX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.

XX. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Pritchard

Ordinance No. 2006-1

Designating The Official Newspapers Of The City Of Rochester For The Years 2006-07

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2006-07: the *Democrat & Chronicle*, the *Daily Record*, and *City Newspaper*.

Section 2. The Mayor is hereby authorized to enter into agreements with the publishers of said newspapers whereby said newspapers shall publish and print such materials as shall be delivered to the newspaper by the City Clerk or other authorized officials or employees of the City. In no event shall any designated newspaper have the right to publish all official notices of the City.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 4:40 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JANUARY 10, 2006
5:15 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Stevenson - 8.

Absent - Councilmember Santiago 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-5
Re: Appointments - Rochester Ferry
Company Board of Managers

R2010: Campaign 7 - Quality Service
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation approving the following appointments to the Board of Managers, Rochester Ferry Company. Vacancies were created with the change in Administrative appointments.

Patricia Malgieri, Deputy Mayor, to a three-year term to end December 31, 2008;

Paul Holahan, Commissioner of Environmental Services, to one-year term to end December 31, 2006;

Gary Walker, Director of Communications, to a one-year term to end December 31, 2006.

Ms. Malgieri replaces Linda Stango, whose term expired December 31, 2005, thereby creating a vacancy for a full three-year term. Mr. Holahan and Mr. Walker replace Loretta Scott and Edward Doherty, respectively, whose terms would have expired December 31, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-5
(Int. No. 15)

Resolution Approving Appointments By The Mayor To The Rochester Ferry Company LLC

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following appointments by the Mayor of City officials to the Board of Managers of the Rochester Ferry Company LLC for so long as they shall hold those City offices:

Gary Walker, Director of Communications, to serve an unexpired term through December 31, 2006;

Paul Holahan, Commissioner of Environmental Services, to serve an unexpired term through December 31, 2006;

Patricia Malgieri, Deputy Mayor, to a three-year term through December 31, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-6
Re: Appointments - Rochester Ferry
Company LLC

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Rochester Ferry Company LLC:

Dana K. Miller
Councilmember-at-Large

As you know, on January 20, 2005, Council confirmed the appointments of both the Mayor's and the Council President's appointees to the Board of Managers. Among the Council appointees was Wade S. Norwood, who was serving a one-year term that expired on December 31. Since Mr. Norwood is no longer a City official, he is not eligible for reappointment. Councilmember Miller is hereby recommended to replace Mr. Norwood. He will serve a three-year term through December 31, 2008

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2006-6
(Int. No. 16)

Resolution Approving An Appointment By The President Of City Council To The Rochester Ferry Company LLC

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment by the President of City Council of Dana K. Miller, Councilmember at Large, to the Board of Managers of the Rochester Ferry Company LLC to a three-year term through December 31, 2008 so long as he shall hold that City office:

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Meeting was adjourned at 5:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JANUARY 17, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony
Retirement
Dept. of Environmental Services
*Louis Ange, Jr.
*James M. Cortina

*Edward J. Doherty
DPRHS
*Loretta C. Scott
Economic Development Dept.
*Fashun Ku
Department of Finance
*Michael Tyler
Fire Department
Firefighter Joseph F. DiMora
*Firefighter Robert J. Salerno
*Firefighter James A. Sands
Police Department
Lt. Charles F. Loray
*Officer Mark A Bishop
*Officer Scott R. Deming
*Sgt. Diani I. Perez
*Officer Marisol Vasquez-Mobley
*Sgt. Thomas E. Shaw
**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Santiago

RESOLVED, that the minutes of the Regular Meeting of December 20, 2005 and the January 3, 2006 Organization Meeting be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3823-7
Quarterly Report - Professional Services Agreements Of \$10,000 Or Less 3824-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Rochester Bill of Rights Defense Committee Remonstrance No. 1615

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-7
Re: Appointments - Planning Commission

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving three appointments to the Rochester Planning Commission. They are:

| | <u>District</u> | <u>Term</u> |
|--|-----------------|-------------|
| William G. Clark 324 Roslyn St. 14619 | S/at-large | 2 years |

| | | |
|--|----|---------|
| Eugenio Marlin 25 Riverside St. 14613 | NW | 2 years |
|--|----|---------|

| | | |
|--|------------|---------|
| Heidi Zimmer-Meyer 288 Rockingham St. 14620 | S/at-large | 2 years |
|--|------------|---------|

Resumes for these three individuals are on file in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-7
(Int. No. 21)

Resolution Approving Appointments To The City Planning Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointments of William G. Clark, 324 Roslyn Street; Eugenio Marlin, 25 Riverside Street; and Heidi Zimmer-Meyer, 288 Rockingham Street, to the City Planning Commission for terms which shall expire on January 31, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 17, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing The Sale Of Real Estate

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-2
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of forty-two properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first thirty-three properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures within nine months of closing.

The next property is a structure that was sold at public auction, subject to the acceptance of a development proposal. The property will be rehabilitated as a single family.

The next three properties are vacant lots that were sold at public auction, subject to the acceptance of a development proposal. The properties located at 142 Avenue A and 854 Hudson Avenue will be fenced and landscaped and combined with the purchasers' adjoining property. The property located at 812 Hudson Avenue will be developed as a parking lot and combined with the purchaser's adjoining property.

The next two properties are structures that were sold at a Request for Proposal sale for their appraised value. The property at 91-95 Reynolds Street will be rehabilitated as eight apartments. The property at 100 Wellington Avenue will be rehabilitated as a single family structure.

The next property will be rehabilitated as a single family structure that will be subsequently sold to an owner occupant with a household income not to exceed 80% of the median income for the Rochester, NY statistical area.

The last two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-1

Ordinance No. 2006-2
(Int. No. 1)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

| Address S.B.L.# | Legal Use Purchaser | Lot Size | Price |
|---------------------------------|----------------------------|-------------|----------|
| 14 Algonquin Ter 120.42-1-56 | 1 Family Kim Coco | 40x95 | \$ 8,500 |
| 98 Avenue D 091.77-5-38 | 1 Family Angel Cuebas | 40x153 | 4,100 |
| 453 Avenue D 091.79-1-51 | 1 Family Shastri Persad | 33x99 | 4,100 |

| | | | |
|----------------------------|---|-------------------|--------|
| 751-753 | | | |
| Avenue D | 2 Family | 37x100 | 14,400 |
| 091.80-3-37 | Jean R. Rodriguez | | |
| 129 Bartlett St | 1 Family | 40x180 | 2,200 |
| 120.68-3-23 | Shastri Persad | | |
| 181 Bartlett St | 1 Family | 39x100 | 11,600 |
| 120.67-3-6.1 | Bertha Davis-Wall | | |
| 102 Cady St | 1 Family | 44x40 | 6,300 |
| 120.60-1-50 | Rachel Marshall | | |
| 38 Centennial St | 2 Single Families | 40x85 | 13,000 |
| 120.25-3-31 | Berthilde Dufrene | | |
| 248-256 | | | |
| Clifford Av | 1 Family | 73x150 | 3,100 |
| 106.30-4-67.1, 67.2, 66 | Eddy Remy, Jr. | | |
| 30 DeJonge St | 1 Family | 36x107 | 400 |
| 106.31-2-23 | Jimmie Briggs | | |
| 24-26 Depew St | 2 Family | 40x127 | 23,000 |
| 120.47-2-45 | Gary Nemi | | |
| 63 Farbridge St | 1 Family | 36x117 | 9,000 |
| 091.79-2-27 | Mary Thomas | | |
| 4-8 Frederick St | 1 Family | Appx 114 x 111 | 2,100 |
| 106.49-1-35 & 33.1 | Shastri Persad | | |
| 337 Garson Av | 1 Family | 40x128 | 7,700 |
| 107.61-3-1 | Phillip White | | |
| 493 Hawley St | 2 Family | 39x107 | 5,500 |
| 120.74-1-18 | Karl Cunningham | | |
| 13 Judson Ter | 1 Family | 32x80 | 8,200 |
| 120.58-2-31 | F. Nwabueze Okoye | | |
| 73 Karnes St | 2 Single Families | 40x129 | 8,600 |
| 105.49-3-59 | Jean R. Rodriguez | | |
| 35 Mazda Ter | 1 Family | 41x145 | 7,000 |
| 091.70-2-62 | Marlene & Alvin Lambert | | |
| 427 Murray St | 1 Family | 39x106 | 5,000 |
| 105.57-3-7 | Kenneth W. Stone & Raymond J. Stone, Jr. | | |
| 579 Norton St | 1 Family | 37x75 | 9,600 |
| 091.63-2-37 | Willie Gayden, Jr. | | |
| 10 Quamina Dr | 1 Family | 46x86 | 10,300 |
| 106.40-1-81 | Jackson Lloyd | | |
| 21 Remington St | 1 Family | 60x109 | 1,500 |
| 106.31-1-52 | Ricardo Justini & Angela M. Hart | | |
| 81 Ringle St | 1 Family | 40x140 | 13,100 |
| 120.56-3-57 | David Mankowski | | |
| 89 Santee St | 1 Family | 37x150 | 9,600 |
| 105.49-2-11 | Thanh Tran | | |
| 709 Seward St | 1 Family | 40x116 | 8,200 |
| 135.27-2-79 | Willie Gayden, Jr. | | |
| 808 Seward St | 1 Family | 36x63 | 10,600 |
| 135.27-3-48 | Nelson Allen | | |
| 19 St. Jacob St | 1 Family | 56x115 | 14,000 |
| 106.25-3-11.1 | Rafael Cruz-Mendez | | |
| 105 Superior St | 1 Family | 40x120 | 6,600 |
| 120.58-2-61 | Beverly Johnson | | |
| 27 Treyer St | 1 Family | 35x96 | 4,300 |
| 106.30-1-18 | Leroy Ford | | |
| 47 Violetta St | 1 Family | 80x126 | 7,300 |
| 121.69-4-6.1 | Marie Y. Celestin | | |
| 3 Walter Pk | 1 Family | 33x100 | 7,100 |
| 120.74-1-27 | Marie Y. Celestin | | |
| 40 Webster Av | 1 Family | 50x100 | 12,700 |
| 106.68-2-62 | Yefim Basovsky | | |
| 25 Weld St | 2 Single Families | 56x141 | 20,000 |
| 106.65-3-60 | Jean R. Rodriguez & Berthilde Dufrene | | |

Section 2. The Council hereby further approves the sale of the following parcel of improved property with proposal by regular auction:

Address: 114 Gregory St
 S.B.L.#: 121.63-2-43
 Lot size: 32x150
 Price: \$23,000
 Purchaser: David Mankowski

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 142 Avenue A | 45x124 | \$ 50 |
| 106.21-2-40 | Laurie M. Rapley | |
| 812 Hudson Av | 50x149 | 350 |
| 091.81-3-59 | Quality Vision International, Inc.* | |
| 854 Hudson Av | 36x128 | 50 |
| 091.81-3-10 | Quality Vision International, Inc.* | |

*Officers: E.T. Aolidor; G.L. Guarino

Section 4. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 91-95 Reynolds St | 50x100 | \$9,500 |
| 120.52-1-22 | Thanh Tran | |
| 100 Wellington Av | 41x100 | 4,000 |
| 120.50-1-47 | Pauline Azatassou & Barthelemy Adjauhouede | |

Section 5. The Council hereby further approves the negotiated sale of the following parcel of improved property:

Address: 278 Webster Av
 S.B.L.#: 107.53-2-82.1
 Lot size: 28x108
 Price: \$5,000
 Purchaser: Rochester Housing Development Fund Corporation*

*Officers: Scott Schmidt; Robert Barrows; Kevin Recchia

Section 6. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Sq. Ft.</u> |
|----------------------------------|-------------------------------------|----------------|
| EH 528 Upper Falls Blvd | 16.5x100 | 1650 |
| Pt of 106.40-2-34 | Kenneth Stevens & Sam L. Bullock | |
| WH 528 Upper Falls Blvd | 16.5x100 | 1650 |
| Pt of 106.40-2-34 | Muayad S. Yasin | |

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
 January 17, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 2 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Brownfield Services At 399 Gregory Street

Int. No. 3 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Testing Services

Int. No. 4 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Glide Street Public Improvement Project

Int. No. 5 - Approving Release Of Easement In The Town Of Rush

Int. No. 14 - Authorizing An Agreement For The Operation Of Public Waterfront Facilities

Int. No. 17 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Respectfully submitted,
 Robert J. Stevenson
 John F. Lightfoot
 William F. Pritchard
 PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-3
 Re: Amendatory Agreement - 399
 Gregory Street Brownfield Remedial
 Investigation

R2010: Campaign 4 - Environmental
 Stewardship

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Group, Inc. for environmental remedial investigation and remedy selection services in connection with a brownfield property at 399 Gregory Street. The maximum cost of this amendatory agreement will be \$14,100 which will be financed from a 2003 brownfield assessment grant from the United States Environmental Protection Agency (USEPA) Brownfield Redevelopment Initiative.

The site was formerly occupied by Davidson Collision, has been abandoned and tax delinquent since the mid -1990s; the City foreclosed on this property in October 2004. The property was under investigation by the New York State Department of Environmental Conservation (NYSDEC) since the early 1990's due to waste paint and paint thinner releases. In 2003 the City was awarded a United States Environmental Protection Agency brownfield grant to complete site assessment activities. In October 2004, City Council authorized an agreement with Stantec

for a site investigation, reuse concept planning and selection of a recommended approach for site cleanup. The investigation is nearing completion.

Under the proposed amendatory agreement, Stantec will complete additional services required by the NYSDEC and requested by the City's Department of Environmental Services. These items include:

- a) Inspection of the clean out of a hydraulic lift pit during the demolition phase;
- b) Creation of Project Fact Sheet to inform the public about the site activities;
- c) Additional site survey and groundwater monitoring well purging and measurements;
- d) Additional laboratory testing of material from a maintenance pit;
- e) Generating and installing a site sign;
- f) Site maintenance and repair activities;
- g) Development of a soil vapor study work plan, sampling and testing;
- h) Basement sump water sampling and analysis at the adjacent 389 Gregory Street property;
- i) Development of preliminary remedial approach and cost estimate.

This amendatory agreement will increase the total cost of site investigation services performed by Stantec for the 399 Gregory Street site to \$75,000. A remedial investigation report and recommendations for cleanup will be submitted to the NYSDEC in February 2006. Soil and groundwater cleanup are expected to begin in the Fall of 2006. In December 2005, the City's Division of Environmental Quality applied to EPA for brownfield cleanup grant funding for this site. The site investigation and cleanup are being completed under an April 2005 Brownfield Cleanup Agreement between the City and the NYSDEC.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-3
(Int. No. 2)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Brownfield Services At 399 Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$14,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Group, Inc. for environmental remedial investigation and remedy selection services for the brownfield property at 399 Gregory Street. Said amount is hereby appropriated from 2003 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-4
Re: Amendatory Agreement - Life
Science Laboratory

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Life Science Laboratories (LSL), East Syracuse, NY, for laboratory testing of drinking water. The original Agreement with LSL was for \$9,900. This amendment will increase the total amount by \$20,000 to provide funding for the next two years. This will be funded from the 2005-06 and 2006-07 Budgets of the Department of Environmental Services.

The Water Bureau's Hemlock Lake laboratory has historically contracted for mandated testing which requires expensive and sophisticated lab instruments such as a gas chromatograph mass spectrometer. These are three reasons for the requested increase in authorized expenditure. First, more contracted lab tests were performed than predicted in 2005 due to the taste and odor phenomenon that developed in our source water. Second, a new drinking water regulation (the Stage II Disinfection Byproduct Rule) was implemented in December that adds significantly to the contract workload. Finally, the Water Bureau expects to begin conducting additional discretionary testing in 2006 that will help us with future water system investment decisions.

LSL has provided excellent service at a very competitive price throughout its contract relationship with our city.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-4
(Int. No. 3)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Testing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Life Science Laboratories for laboratory testing of drinking water for two years. Of said amount, \$10,000 shall be funded from the 2005-06 Budget of the Department of Environmental Services and \$10,000 shall be funded from the 2006-07 Budget of the Department of Environmental Services, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-5
Re: Glide Street Public Improvement Project
(Lyell Avenue - Emerson Street)

R2010: Campaign 1 - Involved Citizens
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Passero Associates for engineering planning and design services for the Glide Street Improvement Project. The agreement will be for a maximum of \$125,000 and will be funded from the 2003-04 (\$76,000) and 2001-02 (\$49,000) Cash Capital allocations of the Department of Environmental Services.

The project will include the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, traffic signals, lighting and water mains, as required; and tree planting.

The construction cost of the project is estimated at \$1,880,000. The financing for the construction cost of this project is planned within the 2005-06 to 2009-10 Capital Improvement Program.

Proposals were solicited for this project from three organizations. Passero Associates is recommended based upon the qualifications of the firm. Design of the project is scheduled to be completed in Summer 2006. Construction is expected to begin in Fall 2006, and to be completed in 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-2

Ordinance No. 2006-5
(Int. No. 4)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Glide Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$125,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for engineering planning and design services for the Glide Street Public Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$76,000 shall be funded from the 2003-04 Cash Capital allocation and \$49,000 shall be funded from the 2001-02 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-6
Re: Release of Easement - Town of Rush

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the release of a City owned easement in the Town of Rush. The current property owner, Jack G. LuBelle Foundation, Inc., requested this easement release from the City's Water Bureau.

The easement was originally obtained for a water line that extended from the Rush Reservoir to the town of Industry. The water line has been out of use for many years; no future use is anticipated. The total area encumbered by the easement is approximately 3.39 acres.

The property owner will pay \$14,000 to the City for the release. This value was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AF-3

Ordinance No. 2006-6
(Int. No. 5)

Approving Release Of Easement In The Town Of Rush

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the release of an easement of approximately 3.39 acres owned by the City over a parcel owned by the Jack G. Lubelle Foundation, Inc. in the Town of Rush. The easement provides for a water line from the Rush Reservoir to Industry that is no longer in use.

Section 2. The property owner shall be obligated to pay the City the sum of \$14,000 for the release.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-7
Re: Port of Rochester - River Street
Riverfront

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an agreement with Gibbs Marine Group, Inc., 105 Manitou Road, for the license, operation, and management of the public waterfront facilities being constructed on the west bank of the Genesee River between Latta Road and Petten Street as part of the Port of Rochester River Street Riverfront project. The proposed term of the agreement is five years plus two five-year renewals.

City Council authorized design of the River Street Waterfront project by FRA Engineering March 2002. Phase I of the project included design of structural improvements at the former train station, infrastructure to support redevelopment of the former train station, public docking/boater facilities, and a public

promenade/trail. Construction of the improvements began in late 2004, and are substantially complete.

The public facilities to be included in this agreement are: 112 boat slips and a pump-out station; a boater facility building with restrooms, showers, laundry room, lockers and a small office or retail space; parking facilities both north and south of Latta Road; and a riverfront promenade/trail which extends the length of the project.

Proposals were solicited through invitation and by advertisement in various local publications. The City received four proposals which were reviewed by a committee representing the Departments of Parks, Recreation and Human Services, Economic Development, Community Development, and Environmental Services. Gibbs Marine Group, Inc. is recommended based on their experience, references, and estimate of revenue return to the City.

The Gibbs Marine Group team has over 35 years experience in marine operations. Owner, Captain Steve Gibbs, has 15 years of marina experience. He has operated the public marina at Braddock Bay since 1997 for the Town of Greece; the City is in receipt of two letters of reference from the Town on his behalf.

The licensee will pay an escalating annual base fee of 15% of the estimated gross revenue, plus an additional amount of 15% of any annual gross revenue greater than \$100,000. An additional annual payment of \$5,000 will be held in escrow, to be used for dredging costs. The operator will provide public access year-round to the promenade and to the restrooms during the marina operating season. The operator will also be responsible for all routine maintenance of the public facilities, including payment of all utilities. The marina facilities will be operated to encourage transient docking for local visitors and for tourists. It is expected that service will begin in 2006.

Additionally as part of the agreement, the operator will be obligated to share certain facilities with the developer selected for the former train station located immediately adjacent to the waterfront facilities. The Department of Economic Development received proposals for development of the train station on November 18, 2005, and is currently in the process of review and selection. As part of the agreement, the operator of the public waterfront facilities will reserve for a fee, five boat slips for the developer of the train station. The marina operator and the developer of the train station will share the north parking lot, 23 and 30 spaces, respectively, and both will share the cost of all maintenance associated with the lot.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-7
(Int. No. 14)

Authorizing An Agreement For The Operation Of Public Waterfront Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Gibbs Marine Group, Inc. for the licensing, operation and maintenance of public waterfront facilities which have been constructed along the west bank of the Genesee River between

Latta Road and Petten Street as a part of the Port of Rochester River Street Riverfront Project, for a term of five years with two options to renew for five years each. The operator shall be obligated to provide public access throughout the year to the river promenade and to the rest rooms during the marina operating season. The operator shall be responsible for the performance of all routine maintenance of the public facilities and the payment of all utilities required at the site for the operation of the public facilities. The operator shall also be required to reserve five boat slips for the developer of the former train station and to share spaces and maintenance responsibilities in the north parking lot with the developer of the former train station.

Section 2. The agreement shall obligate Gibbs Marine Group, Inc. to pay to the City an escalating annual base fee starting at \$15,100 and increasing to \$53,400 over the maximum terms of the agreement, which amount is derived from 15% of estimated gross revenue, plus 15% of the annual gross revenue greater than \$100,000. An additional annual payment of \$5,000 shall be held in escrow for dredging costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-8
Re: Agreement - Environmental Review

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an extension of the agreement between the City Council and the Mayor for the coordination of environmental review actions in which both parties are involved.

The requirement for environmental review of certain actions is specified by the NY State Environmental Quality Review Act and Chapter 48 of the City Code. When, under these regulations, more than one governmental body is involved in one of these actions, a lead review agency must be designated.

Such designation of a lead agency is merely procedural. It does not reflect any consideration of the actual substance or merits of the action. For all actions, the findings of the designated lead agency are presented with the proposed legislation (e.g., rezoning request or developmental proposal).

Prior to 1987, for actions in which the Council was involved, the designation of a lead agency required formal approval by a majority of its members. This requirement occasionally resulted in a delay of up to three weeks, at that time, the typical period of time between Council meetings.

To eliminate this delay, on October 13, 1987, the Council authorized an agreement between the President and the Mayor that designated the Mayor as lead agency for all actions in which both parties are involved, unless - for any individual action - the President otherwise specified. Since then, the Council has

periodically authorized the renewal of this agreement, most recently on January 27, 2004.

Under the proposed agreement, for any relevant action, the Mayor will continue to notify the Council that an environmental review is required and will be conducted by the Administration as lead agency. Upon receipt of this notification, the President will advise the Council in writing of the proposed action and request comments within 10 days. The President may, within the 10-day period, advise the Mayor that the provisions of the agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

The term of the proposed agreement will be two years, as was the case for the prior agreement.

Respectfully submitted,
Robert J. Duffy Lois J. Giess
Mayor President

Ordinance No. 2006-8
(Int. No. 17)

Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The President of the Council is hereby authorized to enter into an extension of the agreement with the Mayor for a term of two years regarding the lead agency for environmental review pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code for actions which involve discretionary decisions by the City Council and the Mayor.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor and the City Council deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
January 17, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 6 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 7 - Cancellation Of Taxes And Charges

Int. No. 8 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

Int. No. 13 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 18 - Resolution Appointing An Additional Marriage Officer

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 19 - Authorizing An Agreement With The Rochester Ferry Company For Operational Obligations And Expenditures Relating To The Fast Ferry

Int. No. 20 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$15,247,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
Lois J. Giess
Gladys Santiago (Did Not Vote on Introductory No.'s 6, 7, 8, 13, and 18)
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-9
Re: Authorization - Tax Cancellations
and Refunds

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2006.

Each year, approximately 64,300 tax bills are issued by the City. For 2005-06, the current fiscal year, these bills contained City and School taxes, charges, and fees totaling \$178,379,701.

Of this amount, taxes and charges totaling \$1,737,911 or .97% of the total levy, subsequently were determined to be erroneous and were canceled. These cancellations involved 632 accounts or .98% of the total number.

Pursuant to Section 556 of the N.Y.S Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on January 18, 2005. During calendar year 2005 the Director of Finance authorized cancellations totaling \$99,343.55 for 306 accounts.

Reapproval of this delegation of authority is requested for 2006. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-9
(Int. No. 6)

Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-10
Re: Cancellation or Refund of
Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$19,121.44.

An amount of \$9,628.94 or 50.36% of the total relates to 5 properties where code violation charges appearing on the tax bills were included in foreclosure actions, attributed to a former owner or were invalid.

The sum of \$9,492.50 or 49.64% of the total applies to 3 properties that are owned by Housing Opportunities Development Fund. The appropriate tax exemptions were not recorded on the 2005 Final Assess-

ment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$543,817.73.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 92 | \$466,083.52 |
| Administrative | <u>223</u> | <u>77,734.21</u> |
| Total | 315 | \$543,817.73 |

These cancellations represent .242% of the taxes receivable as of July 1, 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-10
(Int. No. 7)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties have Rehab/Code Violations that are either attributed to a former owner, were invalid or included in a foreclosure action.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|-------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 092.700-01-12 | H | 2006 | \$ 1,800.00 |
| 174 Ashwood Dr. | | | |
| 106.520-02-76 | H | 2006 | 1,300.00 |
| 154 Sixth St. | | | |
| 120.540-01-46 | H | 2006 | 2,309.64 |
| 55 Briggs St. | | | |
| 120.650-01-34 | H | 2006 | 1,069.30 |
| 195 Normandy Ave. | | | |
| 120.740-02-42 | H | 2006 | <u>3,150.00</u> |
| 80 Melrose St. | | | |
| | Subtotal | | \$ 9,628.94 |

- (b) These properties were owned by a housing corporation and qualified for a tax exemption. This exemption was not reflected on the 2005 Final Assessment Roll.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|-------------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 106.820-02-27 | NH | 2006 | \$ 3,582.72 |
| 370-370.5 Alexander St. | | | |
| 135.260-01-53 | H | 2006 | <u>1,431.38</u> |
| 264-266 Sawyer St. | | | |
| 120.630-02-21 | NH | 2006 | 4,478.40 |
| 109-115 Devonshire Ct. | | | |
| | Subtotal | | <u>\$ 9,492.50</u> |
| | Grand Total | | \$19,121.44 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said

payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-11
Re: Agreement - Real Estate Title
Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Independent Title Agency, LLC, 99 Ridgeland Road, for the continued provision of real estate title services, with two annual renewals. The maximum cost of the agreement will be \$240,000 per year, which will be financed from the Budget for Undistributed Expense for 2005-06, 2006-07, and 2007-08.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate sales. Currently, these services are provided by Independent under an agreement authorized by the City Council on December 17, 2002, and January 18, 2005.

This year, Independent has provided 2,024 foreclosure searches and 224 sale or acquisition searches. During the term of this agreement, it is expected that 2,100 foreclosure searches and 380 sale or acquisition searches will be required each year.

On December 1, 2005, proposals to provide these services were solicited from 25 organizations. Independent is the only firm to respond. Independent is recommended because its prices are reasonable and it has demonstrated through past performance its ability to provide reliable services in a timely manner.

Under the proposed agreement, Independent Title will provide title services, as well as prepare creditor notification letters for properties in foreclosure, for the following fees per parcel, which are the same as the fees provided in the current agreement:

| <u>Service</u> | <u>Proposed Fee</u> | <u>Current Fee</u> |
|---|-------------------------|------------------------|
| Preliminary (10-year) report | \$ 95 | \$ 95 |
| Update of prior preliminary report | 70 | 70 |
| Full (60-year) report with prior preliminary search | 175 | 175 |
| Full search without prior preliminary search | 235 | 235 |

The agreement will extend through June 30, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-8
(Int. No. 8)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$240,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Independent Title Agency, LLC, for continued provision of real estate title services through June 30, 2007, with two options to renew which may extend the maximum term through June 30, 2009. Said amounts shall be funded from the 2005-06, 2006-07 and 2007-08 Budgets for Undistributed Expense, contingent upon adoption of the latter years' budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2006-12
Re: Agreement - Up All Night, Party
in the Park Concert Series

R2010: Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for booking national and regional artists for the 2006 "Party in the Park" concert series. The maximum cost of this agreement will be \$65,000, which will be financed from the Rochester Events Network trust fund (\$45,000) and the 2006-07 Budget of the Department of Parks, Recreation and Human Services (\$20,000).

The concert series will be presented on ten consecutive Thursday evenings at the High Falls Festival Site beginning on June 8 and ending on August 10. For each of these concerts, Up All Night will provide artists for all opening and national headline acts. It will also provide a production manager and hospitality for the artists.

Last year's concerts, authorized by Council in February 2005, attracted approximately 3500 people per week. This figure is consistent with the attendance of the 2004 series. As in the last six years, this agreement includes a revenue-sharing component providing the City with 25% of net food and beverage sales during the concerts. In 2005, a total of \$21,113 in revenue was received by the City. This reflected a 100% increase over 2004 revenue. Up All Night produces more than 250 events each year. Because it is able to offer multiple events to performers, it typically is able to negotiate lower fees than the City had obtained in the past. We calculate that this leverage in booking will save the City over \$20,000 in talent fees.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-12
(Int. No. 13)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$45,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$20,000 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-8
Re: Marriage Officers

Transmitted herewith for your approval is legislation appointing Sharon C. Conheady, the Senior Legislative Coordinator (who serves as Deputy City Clerk) as a Marriage Officer.

The Domestic Relations Law § II-c authorizes the governing body of any village, town or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a marriage. A fee of \$40.00 is charged for providing such a service; said fee becomes part of the revenue to the City Clerk's licensing account.

As you will recall, the position of Marriage Officer was first created in September, 1995. The City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. In December 2003, Mr. Karin and then-City Clerk Carolee A. Conklin, were reappointed as Marriage Officers through January 27, 2008. However, the legislation specified that they would each hold the Marriage Officer position "as long as they serve in their respective positions."

In December, 2005, in anticipation of his selection as City Clerk, City Council amended that legislation to specify that Mr. Karin would continue to serve as a Marriage Officer as long as he remains employed in the City Clerk's Office. The proposed legislation will add Ms. Conheady so that we can continue to have two Marriage Officers available to serve the public.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2006-8
(Int. No. 18)

Resolution Appointing An Additional Marriage Officer

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby appoints Sharon C. Conheady as a Marriage Officer for a term of four years, as long as she remains employed in the City Clerk's Office.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-13
Re: Appropriation - Rochester Ferry
Company, LLC

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Ferry Company, LLC (RFC) and appropriating \$9.4 million from the City's Insurance Reserve Fund to transfer to RFC for the purpose of fulfilling their operational obligations and funding expenditures related to the sale of the vessel, Spirit of Ontario. The amount of \$9.4 million is expected to be reimbursed to the Insurance Reserve Fund from proceeds of the sale of the ship.

The \$9.4 million being requested will fund the following estimated expenditures:

| | |
|----------------------|---|
| \$2.5 million | Reimbursement to Bay Ferries for expenses incurred by RFC and paid by Bay Ferries |
| \$1.5 million | EFIC debt service payment (on the outstanding loan for purchase of vessel). This may be subject to revision. |
| \$3.1 million | Estimated cost to continue, as necessary, and terminate various obligations of RFC, including those with Bay Ferries and the Toronto Port Authority |
| \$.3 million | MTU warranties expense for vessel |
| \$.5 million | Maintenance of vessel through sale date |
| \$.5 million | Personnel cost through date of sale and transfer of vessel |
| \$.5 million | Insurance expense through date of sale |
| <u>\$.5 million</u> | Contingency |
| \$9.4 million | Total |

These are best estimates at this time and I believe this amount should be adequate to bring this venture to closure and minimize future City liability.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-4

Ordinance No. 2006-13
(Int. No. 19)

Authorizing An Agreement With The Rochester Ferry Company For Operational Obligations And Expenditures Relating To The Sale Of The Fast Ferry

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Ferry Company, LLC for funding of operational obligations and expenditures relating to the sale of the fast ferry.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$9,400,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-14
Re: Bonds - Rochester City School District
Capital Improvement Plan

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation relating to the Capital Improvement Program of the City School District. This legislation will:

1. Establish \$15,247,000 as the maximum amount of debt to be authorized on behalf of the District during 2005-06; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to finance specific improvements.

At its meeting of December 22, 2005, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing necessary to implement the plan.

During 2005-06, the District will redeem \$15,247,000 in principal. Since the requested limit does not exceed the principal redeemed, this request is in compliance with City Council policy.

A copy of the District's 2005-06 CIP Bond Request for Long-Term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-14
(Int. No. 20)

Bond Ordinance Of The City Of Rochester, New

York, Authorizing The Issuance Of \$15,247,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,247,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$15,247,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$15,247,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$15,247,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions

of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

The meeting was adjourned at 8:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
FEBRUARY 2, 2006
5:30 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Stevenson - 7.

Absent - Councilmembers Pritchard, Santiago - 2.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By President Giess

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-9, 2006-10,
2006-11, And 2006-12
Re: Appointment - Commissioners

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the following appointments:

Paul Holahan
Commissioner of Environmental Services

Julio Vasquez
Commissioner of Community Development

Charles Reaves
Commissioner of Parks, Recreation and Human Services

Thomas Richards
Corporation Counsel

Resumes for these individuals are on file in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-9
(Int. No. 9)

Resolution Confirming The Appointment Of The Corporation Counsel

WHEREAS, the Mayor has appointed Thomas Richards to the position of Corporation Counsel, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Thomas Richards as Corporation Counsel.

This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2006-10
(Int. No. 10)

Resolution Confirming The Appointment Of The Commissioner Of Community Development

WHEREAS, the Mayor has appointed Julio Vazquez to the position of Commissioner of Community Development, subject to confirmation by the

City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Julio Vazquez as Commissioner of Community Development.

This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2006-11
(Int. No. 11)

Resolution Confirming The Appointment Of The Commissioner Of Environmental Services

WHEREAS, the Mayor has appointed Paul Holahan to the position of Commissioner of Environmental Services, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Paul Holahan as Commissioner of Environmental Services.

This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2006-12
(Int. No. 12)

Resolution Confirming The Appointment Of The Commissioner Of Parks, Recreation And Human Services

WHEREAS, the Mayor has appointed Charles Reaves to the position of Commissioner of Parks, Recreation and Human Services, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Charles Reaves as Commissioner of Parks, Recreation and Human Services.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 5:40 P.M.

DANIEL B. KARIN
City Clerk

**REGULAR MEETING
FEBRUARY 14, 2006**

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony
Retirement
DPRHS
Karen Piedici
Fire Department
Firefighter Richard Girvin

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Special Meeting of January 10, 2006 and the Regular Meeting of January 17, 2006 and the Special Meeting of February 2, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3825-7
Public Disclosure - HOME Participation 3826-7
Request for Proposal Sale - April 14, 2006 3827-7
Quarterly Reports
Schedule of Revenues and Expenditures 3828-7
Schedule of Workers Compensation Claims and Claims Reports 3829-7
The Director of Zoning Submits Notices of Environmental Determination 3830-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Amendatory 2005-06 Community Development Program Plan And Agreements To Extend Float Loans And Funding For The Rochester Housing Development Fund Corporation Int. No. 25 No speakers.

Changing The Zoning Classification Of 385-443, 380-420, 347-355, 368-378, 481-487 And 474-482 Portland Avenue, 1149 Clifford Avenue, 92-98 Hollister Street And The Southerly Part Of 55 Miller

Street From C-2 Community Center And R-1 Low Density Residential To M-1 Industrial Int. No. 26
3 speakers - Joan Roby-Davison, Joe Fee, and Ramon Diaz.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2006-13
Re: Appointment - REDCO

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation confirming the appointment of Dan Conte to the Rochester Economic Development Corporation. Mr. Conte is the Business Manager of the International Brotherhood of Electrical Workers LU#86. He lives in the Town of Hilton. Mr. Conte's term will expire June 30, 2007.

A copy of Mr. Conte's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-13
(Int. No. 43)

Resolution Approving An Appointment To The Rochester Economic Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Dan Conte, Business Manager of the International Brotherhood of Electrical Workers LU #86, to the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2007.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2006-14
Re: Appointments - Rochester Preservation Board

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation confirming the following appointments and reappointments to the Rochester Preservation Board.

| <u>Reappoint</u> <u>Status</u> | <u>Address</u> <u>Term to Expire</u> |
|-----------------------------------|---|
|-----------------------------------|---|

| | |
|---|--|
| Deborah Beardslee Member-Hist. Assn. | 24 Trafalgar Street August 31, 2007 |
|---|--|

| | |
|---------------------------|--|
| Paul McAndrew At-Large | 29 Stanton Street November 30, 2006 |
|---------------------------|--|

Mr. McAndrew's and Ms. Beardslee's terms expired November 11, 2004 and August 31, 2005, respectively. Of twenty three meetings held between 2004-2005, Mr. McAndrew attended 21, and Ms. Beardslee attended 20.

| <u>Appoint</u> <u>Status</u> | <u>Address</u> <u>Term to Expire</u> |
|---|--|
| Peter Siegrist Architect & Pres. Dist. resident | 24 Hawthorne Street July 31, 2007 |
| Paul Burgett Pres. Dist. resident | 7 Corn Hill Terrace February 28, 2008 |
| Corey Knapp | 180 Sanford Street February 28, 2008 |
| Gar Lowenguth Realtor | 901 East Avenue February 28, 2008 |

Mr. Siegrist will replace Peter Romeo who resigned in December 2005. Mr. Lowenguth will replace Mr. Sebastian Petix whose term expired in August 2004. Mr. Burgett will replace Elizabeth Wallace whose term expired in August 2004. Mr. Knapp is filling a long vacant spot.

Resumes for all are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-14
(Int. No. 44)

Resolution Approving Appointments To The Rochester Preservation Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Deborah A. Beardslee, 24 Trafalgar Street, to the Rochester Preservation Board for a term which shall expire on August 31, 2007.

Section 2. The Council hereby approves the reappointment of Paul McAndrew, 29 Stanton Street, to the Rochester Preservation Board for a term which shall expire on November 30, 2006.

Section 3. The Council hereby approves the appointment of Gar Lowenguth, 901 East Avenue, to the Rochester Preservation Board for a term which shall expire on February 28, 2008. Mr. Lowenguth shall replace Sebastian Petix, whose term has expired.

Section 4. The Council hereby approves the appointment of Paul Burgett, 7 Corn Hill Terrace, to the Rochester Preservation Board for a term which shall expire on February 28, 2008. Mr. Burgett shall replace Elizabeth W. Wallace, whose term has expired.

Section 5. The Council hereby approves the appointment of Peter Siegrist, 24 Hawthorne Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2008. Mr. Siegrist shall replace Peter Romeo, whose term has expired.

Section 6. The Council hereby approves the appointment of Corey Knapp, 180 Sanford Street, to the Rochester Preservation Board for a term which shall

expire on February 28, 2008. Mr. Knapp shall fill a vacant position.

Section 7. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-15
Re: Appropriation of Forfeiture Funds
for Rochester Area Crimestoppers, Inc.

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Regional
Partnerships

Transmitted herewith for your approval is legislation appropriating \$10,000 from equitably shared forfeited property revenues, and amending the 2005-06 Budget of the Police Department by its inclusion. The funds will be used to fund the Crimestoppers program.

As you are aware, the City has supported the efforts of the Crimestoppers program for many years, primarily through staff support. Crimestoppers, Inc. is a non-profit program relying on cooperation between the Police Department, news media, and citizens of Monroe County. Crimestoppers encourages people to call the Police Department with information to solve any crimes already committed or those about to occur. Rewards are available to callers if the information they supply results in an arrest and indictment of a criminal. In the past four years, more than 1,880 calls were made to the hotline, and the information from those calls resulted in 361 arrests.

The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990). The current balance in the forfeiture fund is \$236,018.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-15
(Int. No. 45)

Amending The 2005-06 Budget By Appropriating Forfeiture Funds For The Rochester Area Crimestoppers Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$10,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the Rochester Area Crimestoppers Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 14, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 22 - Authorizing The Sale Of Real Estate

Int. No. 23 - Authorizing An Agreement For Lead Poisoning Prevention Services

Int. No. 24 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Brooks Landing Revitalization Project And Amending Ordinance No. 2003-267 Relating To The Corn Hill Landing Project, As Amended

Int. No. 39 - Resolution Approving Appointment To The City Planning Commission

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 25 - Authorizing An Amendatory 2005-06 Community Development Program Plan And Agreements To Extend Float Loans And Funding For The Rochester Housing Development Fund Corporation

Int. No. 26 - Changing The Zoning Classification Of 385-443, 380-420, 347-355, 368-378, 481-487 And 474-482 Portland Avenue, 1149 Clifford Avenue, 92-98 Hollister Street And The Southerly Part Of 55 Miller Street From C-2 Community Center And R-1 Low Density Residential To M-1 Industrial

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot
HOUSING & COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-16
Re: Sale of Real Estate

R2010: Campaign 9 -Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of ten properties. Staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a structure that was sold at public auction. The purchaser will be required to rehabilitate the structure within nine months of closing.

The next property is a vacant lot that was sold at public auction, subject to the acceptance of a development proposal. The purchaser will fence and landscape the parcel and combine it with his adjoining

property.

The next property is a structure that was sold at a Request for Proposal sale for its appraised value. The property will be rehabilitated as eight apartments, two stores and an office.

The next two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

The last five properties are buildable vacant lots on Fulton Avenue and Rauber Street that are being sold to Flower City Habitat for Humanity to construct five, single-family homes for low-income homebuyers.

All City taxes and other charges, except water charges, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-5

Ordinance No. 2006-16
(Int. No. 22)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 232-234 Rohr St
S.B.L.#: 106.35-2-83
Legal Use: 2 Family
Lot Size: 40 x 128
Price: \$10,000
Purchaser: Marie Y. Celestin

Section 2. The Council hereby further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 32 Parsells Av
S.B.L.#: 107.53-3-2
Lot Size: 47 x 107
Price: \$50
Purchaser: Joseph A. LaLonde

Section 3. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 872-882 Portland Av
S.B.L.#: 091.83-2-1
Lot Size: 58 x 143
Price: \$17,000
Purchaser: Ronald Stebbins

Section 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> |
|----------------------------------|-------------------------------------|
| EH of 248 Alphonse St | 2798± |
| Pt. of 106.33-2-08 | Marthena Stubbs |
| WH of 7 Curren Pl | 1383± |
| Pt. of 106.60-4-25 | Larry McCollough |

Section 5. The Council hereby further approves the negotiated sale of the following parcels of buildable vacant land:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|-------------------------------------|--------------|
| 116-116.5 Fulton Av | 40 x 136 | \$450 |
| 105.43-2-34 | Flower City Habitat for Humanity* | |
| 172 Fulton Av | 40 x 150 | 450 |
| 105.35-3-25 | Flower City Habitat for Humanity* | |
| 64 Rauber St | 52.5 x 125 | 475 |
| 106.39-2-55.1 | Flower City Habitat for Humanity* | |
| 70 Rauber St | 52.5 x 125 | 475 |
| 106.39-2-54.1 | Flower City Habitat for Humanity* | |
| 101 Rauber St | 66 x 83 | 450 |
| 106.39-4-20.1 | Flower City Habitat for Humanity* | |

* Principals: Edward Lipsky, Musette Castle, Donna Murano, Bill Mason, Arthur Woodward

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-17
Re: Lead Poisoning Prevention Program
Services - The Housing Council in
the Monroe County Area

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the continuation of lead poisoning prevention services delivered by the Housing Council in the Monroe County Area, in an amount not to exceed \$75,800. The agreement will be funded from an existing appropriation of Community Development Block Grant funding authorized by Ordinance No. 2003-35.

The Housing Council will continue to provide administrative services for landlords who are interested in enrolling in the City LEAD Program. The most recent agreement for these services was approved in December 2004. The Housing Council will serve as the point of intake and will answer questions from prospective applicants, describe the program and its

requirements, distribute applications, review submitted applications and hold one-on-one counseling sessions with applicants. The Housing Council will also conduct a lead-safe work practice training session each month.

Under the current agreement, 69 landlord applications were completed, representing 93 rental units enrolled in City LEAD. Fifty-four additional landlords are in the process of completing applications through the Housing Council. Since January 2005, the Housing Council has responded to over 500 program inquiries and has mailed out 469 applications to prospective applicants.

With the recent adoption of lead poisoning prevention code amendments, the demand for City LEAD is expected to increase significantly and it is, therefore, important to retain the Housing Council services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-17
(Int. No. 23)

Authorizing An Agreement For Lead Poisoning Prevention Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continuation of lead poisoning prevention services.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$75,800, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 3 of Ordinance No. 2003-35.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-18
Re: Brooks Landing - Street
Improvements Project

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with FRA Engineering, P.C., Henrietta, NY, for additional resident project representation services related to the Brooks Landing Street Improvement Project. The additional cost will be \$10,000, bringing the total cost of the agreement to \$210,000, and will be financed from the proceeds of Bond Ordinance No. 2004-269.

This project is a component of the Brooks Landing Revitalization Project, a public/private partnership of

the City, Sector 4 and several affiliated neighborhood associations, Christensen Corp. and the University of Rochester. The project includes new neighborhood commercial facilities; a riverside hotel, restaurant, office, conference center facility; enhanced and increased access to the public waterfront, open space and existing river trail system; and enhanced public amenities/facilities at the waterfront including a new public promenade linking into the existing river trail system, a new boat docking facility to accommodate Erie Canal tourists and new dedicated park land for increased public recreational use.

The street improvement project included reconstruction of parts of Brooks Ave. and improvements to these four intersections in the development area:

Brooks Ave. and Genesee St.
Genesee St. and Genesee Park Blvd.
Genesee St., Elmwood Ave. and Scottsville Rd.
Elmwood Ave. and S. Plymouth Ave.

Design of the street project was based on a traffic study conducted by FRA Engineering in 1999. In October 2001, Council authorized FRA to provide the engineering planning and design, and resident project representation services. Required pavement width changes were authorized in April 2003.

Funding for construction of the street project was authorized by Council in April 2003, June 2003, and August 2004. Construction of the improvements was substantially completed in Fall 2005. Completion of the improvements at the South Plymouth Avenue and Genesee Street intersection was deferred due to a protracted delay in obtaining federal parkland conversion approval required for the project. It is anticipated that final project completion will be in spring 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-6

Ordinance No. 2006-18
(Int. No. 24, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Brooks Landing Revitalization Project And Amending Ordinance No. 2003-267 Relating To The Corn Hill Landing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering, P.C. for resident project inspection services for street improvements as a part of the Brooks Landing Revitalization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from Bond Ordinance No. 2004-269.

Section 2. Ordinance No. 2003-267, relating to the Corn Hill Landing Project, is hereby amended by changing the name of the entity in Section 2 that the City is authorized to enter into an agreement with Corn Hill Landing, LLC to Mark IV Construction Company, Inc.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-15
Re: Planning Commission Appointment

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation confirming the appointment of Eleanor Chin of 30 Ramsey Park to the Planning Commission for a two-year term that will expire on February 14, 2008.

Ms. Chin's biographical summary is on file with the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-15
(Int. No. 39)

Resolution Approving Appointment To The City Planning Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Eleanor Chin, 30 Ramsey Park, to the City Planning Commission for a term which shall expire on February 28, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-19
Re: Rochester Housing Development
Fund Corporation

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the financing for the Rochester Housing Development Fund Corporation (RHDFC), for the purposes of acquiring, rehabbing, and reselling former HUD-foreclosed properties to income-eligible owner-occupants. This legislation will:

1. Authorize amendatory agreements with the RHDFC and other necessary parties to extend float loans related to property acquisition and rehabilitation, for an additional 16 months;
2. Amend the 2005-06 Community Development Plan by adding to the Improving the Housing Stock and General Property Conditions Allocation, to finance the float loans, \$2,000,000 for a capital loan pool, and \$405,000 for an interest

reserve account, for the use of the RHDFC, and appropriate these funds;

3. Amend the 2005-06 City Development Fund by adding \$475,000 to a new account to extend a float loan to fund a loan loss reserve account for use by the RHDFC, and appropriate these funds.

The RHDFC allows the City to fulfill its obligation to HUD, through the Asset Control Area (ACA) agreement, by acquiring properties from the City for rehabilitation and re-sale to owner-occupants. This amendatory agreement will extend the current contract from 30 months (expiring February 28, 2006) to 46 months, and will allow for rehabilitation and sale of the 92 properties remaining of the 169 acquired through the second ACA agreement.

The CDBG funds, along with \$475,000 from the City Development Fund, will be used for the following purposes:

| | <u>Amount</u> | <u>Source</u> |
|----------------------------|---------------|---------------|
| Acquisition & Construction | | |
| Capital | \$2,000,000 | CDBG |
| Interest Reserve | 405,000 | CDBG |
| Loan Loss Reserve | 475,000 | CDF |
| Total | \$2,880,000 | |

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-19
(Int. No. 25)

Authorizing An Amendatory 2005-06 Community Development Program Plan And Agreements To Extend Float Loans And Funding For The Rochester Housing Development Fund Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2005-06 Community Development Program whereby the sum of \$2,000,000 shall be added to the Improving the Housing Stock and General Property Conditions allocation in a new account to extend a float loan to fund a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City as a part of the HUD Asset Control Area (ACA) Partnership agreement.

Section 2. The Council hereby approves an amendment to the 2005-06 Community Development Program whereby the sum of \$405,000 shall be added to the Improving the Housing Stock and General Property Conditions allocation in a new account to extend a float loan to fund an interest reserve account to be utilized by the Rochester Housing Development Fund Corporation for the acquisition from the City of HUD foreclosed properties as a part of the ACA Partnership agreement and the rehabilitation and resale of said properties.

Section 3. The Council hereby approves an amendment to the 2005-06 City Development Fund whereby

the sum of \$475,000 shall be added in a new account to extend a float loan to fund a loan loss reserve account to be utilized by the Rochester Housing Development Fund Corporation for the acquisition from the City of HUD foreclosed properties as a part of the ACA Partnership agreement and the rehabilitation and resale of said properties.

Section 4. The Mayor is hereby authorized to enter into agreements to extend and participate in the Rochester Housing Development Fund Corporation loan pool and accounts authorized herein. The Mayor is hereby further authorized to enter into agreements with necessary parties to extend the float loans authorized herein. The float loan extensions shall be for a term not to exceed 16 months, without interest, upon the original terms and conditions.

Section 5. The agreements shall obligate the City to pay an amount not to exceed \$2,880,000, and of said amount, or so much thereof as may be necessary, \$2,405,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program and \$475,000 is hereby appropriated from the 2005-06 City Development Fund.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-20
Re: Zoning Map Amendment - Portland
Avenue, Clifford Avenue, and
Hollister Street Properties

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the following properties from C-2 Community Center and R-1 Low Density Residential District to M-1 Industrial District. A map of the area is attached.

347-355 Portland Avenue (odd)
368-378 Portland Avenue (even)
380-420 Portland Avenue (even)
385-443 Portland Avenue (odd)
474-482 Portland Avenue (even)
481-487 Portland Avenue (odd)
1149 Clifford Avenue
92-98 Hollister Street
55 Miller Street (southern portion only)

This rezoning was precipitated by a request from Fee Brothers, a beverage flavoring manufacturer at 455 Portland Avenue, to expand their use by rezoning an adjoining property. At this time a decision was made to evaluate this section of Portland Avenue to determine if a more extensive rezoning of the area should be considered.

Seventeen of 37 (46%) of the existing uses in the area are currently nonconforming. In the commercial areas, there are non-permitted automotive and storage

uses. Of the 17 properties in the R-1 areas, ten are nonconforming (i.e., they are either two- or multi-family use). In addition, many of the residential properties in this area are vacant and owned by the City of Rochester. This results in an area that is no longer realistically viable for residential use. However, adjoining existing industrial uses would benefit from the expansion of the M-1 zone.

The City's M-1 District is carefully regulated. Permitted and specially permitted uses in the proposed M-1 district would be subject to distance separation, landscaping, design standards, and visual buffer requirements, which would mitigate impacts on adjacent residential and commercial districts.

Certified letters were sent to all property owners in the area requesting feedback on the proposed rezoning. Owners of commercial uses were informed that their businesses would not be affected, and that vacant residential structures would be allowed to convert to nonresidential uses. No opposition to the rezoning request was received. In addition, the City's Economic Development Department contacted owners of affected industrial uses in the area. Owners of these businesses consented to the rezoning of their properties.

The Planning Commission held an informational meeting on January 9, 2006. One speaker, Joseph Fee, of Fee Brothers, spoke in support of the request; there were no speakers in opposition to the proposal. The Commission recommended approval 4-0.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-7

Ordinance No. 2006-20
(Int. No. 26)

Changing The Zoning Classification Of 385-443, 380-420, 347-355, 368-378, 481-487 And 474-482 Portland Avenue, 1149 Clifford Avenue, 92-98 Hollister Street And The Southerly Part Of 55 Miller Street From C-2 Community Center And R-1 Low Density Residential To M-1 Industrial

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 385-443, 380-420, 347-355, 368-378, 481-487 and 474-482 Portland Avenue, 1149 Clifford Avenue, 92-98 Hollister Street and the southerly part of 55 Miller Street, from C-2 Community Center and R-1 Low Density Residential to M-1 Industrial:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as fol-

lows:

Beginning at the centerline intersection of Hollister Street (60' ROW) and Clifford Avenue (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said Clifford Avenue centerline, a distance of 163 feet, more or less, to the northerly extension of the easterly line of Lot 7 of the Sarah Wyner Subdivision as filed in the Monroe County Clerk's Office in Liber 49 of Maps, Page 33; thence
- 2) Southerly, along said extension and the easterly line of Lot 7, a distance of 189 feet, more or less, to the southeast corner of said Lot 7 and the south line of said Sarah Wyner Subdivision; thence
- 3) Easterly, along the south line of said Sarah Wyner Subdivision and it's extension, a distance of 127 feet, more or less, to the centerline of Portland Avenue (66' ROW); thence
- 4) Southerly, along said Portland Avenue centerline, a distance of 11 feet, more or less, to the centerline of Lochner Place (45' ROW); thence
- 5) Easterly, along said centerline of Lochner Place, a distance of 143 feet, more or less, to the northerly extension of the easterly line of Lot 4 of the Joseph Lochner Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 82; thence
- 6) Southerly, along said extension and the easterly line of Lots 4, 5 & 6 of said Joseph Lochner Subdivision, a distance of 133 feet, more or less, to the southeast corner of said Lot 6 and the southerly line of said Lochner Subdivision; thence
- 7) Easterly, along the south line of said Joseph Lochner Subdivision and the south line of Lots 1 thru 4 of the Henry C Wright Subdivision, as filed in the Monroe County Clerk's Office in Liber 19 of Maps, Page 2, a distance of 397.11 feet to the southeast corner of said Lot 4 and the westerly line of Lot 8; thence
- 8) Continuing easterly, through said Lot 8, a distance of 115.02 feet to a point on the westerly ROW line of Miller Street (40' ROW), which point is 19.65 feet north of the southeast corner of said Lot 8; thence
- 9) Easterly, along the extension of Course 8, a distance of 20 feet, more or less, to the centerline of Miller Street (40' ROW); thence
- 10) Southerly, along said centerline of Miller Street, a distance of 365 feet, more or less, to the easterly extension of the south line of Lot R-3 of the 432 Portland Avenue Resubdivision, as filed in the Monroe County Clerk's Office in Liber 241 of Maps, Page 56; thence
- 11) Westerly, along said extension and the south line of Lot R-3 and it's various courses, a distance of 589.54 feet to the northeast corner of lands conveyed to Rev. Sarah Donaldson by Liber 8883 of Deeds, Page 552, being tax parcel 106.420-03-003; thence
- 12) Southerly, along the east line of said lands of Donaldson, a distance of 49.5 feet to the southeast corner thereof; thence
- 13) Westerly, along the south line of said lands of Donaldson, a distance of 120 feet to a point; thence
- 14) Southerly, on a line parallel with and 80 feet east of the easterly ROW line of Portland Avenue (66' ROW), a distance of 93.7 feet, more or less, to the centerline of Council Street (40' ROW); thence
- 15) Easterly, along said centerline of Council Street, a distance of 36 feet, more or less, to the northerly extension of the easterly line of Lot 2 of the Weilhammer Subdivision, as filed in the Monroe County Clerk's Office in Liber 10 of Maps, Page 16; thence
- 16) Southerly, along said extension and the easterly line of Lot 2, a distance of 60.1 feet, more or less, to the southeast corner thereof; thence
- 17) Easterly, parallel with said Council Street, a distance of 4 feet to a point; thence
- 18) Southerly, along the westerly line of lands conveyed to Michael J Scott by Liber 8308 of Deeds, Page 82, a distance of 137.04 feet to the southwest corner thereof and the northerly line of lands conveyed to 368 Portland Avenue LTD by Liber 9086 of Deeds, Page 591; thence
- 19) Easterly, along said north line of 368 Portland Avenue LTD, a distance of 13.5 feet to the northeast corner thereof; thence
- 20) Southerly, along the east line of said lands of 368 Portland Avenue LTD and it's extension, a distance of 122 feet, more or less, to the centerline of Irondequoit Street (40' ROW); thence
- 21) Westerly, along said Irondequoit Street centerline, a distance of 174 feet, more or less, to the said centerline of Portland Avenue (66' ROW); thence
- 22) Southerly, along said Portland Avenue centerline, a distance of 100 feet, more or less, to the centerline of Stevens Street (50' ROW); thence
- 23) Westerly, along said Stevens Street centerline, a distance 133 feet, more or less, to the southerly extension of the easterly line of lands conveyed to Rochester Housing Authority by Liber 6210 of Deeds, Page 85, being tax parcel 106.420-01-035.1; thence
- 24) Northerly, along said extension and the easterly line of RHA, a distance of 77 feet, more or less, to the northeast corner thereof; thence

- 25) Westerly, along the north line of said lands of RHA and it's extension, a distance of 160 feet, more or less, to the centerline of said Hollister Street (60' ROW); thence
- 26) Northerly, along said Hollister Street centerline, a distance of 186 feet, more or less, to the westerly extension of the southerly line of Lot 109 of the Davis & Hollister Tract as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 109; thence
- 27) Easterly, along said extension and the south line of Lot 109, a distance of 140 feet, more or less, to the southeast corner thereof; thence
- 28) Northerly, along the easterly line of Lots 109 thru 115 and Lots 14 thru 25, a distance of 797.5 feet, more or less, to the southeast corner of Lot 2 of the Bay State Land Company Subdivision, as filed in the Monroe County Clerk's Office in Liber 11 of Maps, Page 99; thence
- 29) Westerly, along the south line of said Lot 2 and it's extension, a distance of 140 feet, more or less, to the said centerline of Hollister Street (60' ROW); thence
- 30) Northerly, along said Hollister Street centerline, a distance of 163 feet, more or less, to the said centerline of Clifford Avenue (ROW Varies), said centerline intersection being the Point or Place of Beginning.

All That Tract or Parcel of Land situate in the City of Rochester, County of Monroe, State of New York and known and described as part of Lot 8 of the Henry C. Wright's Re-subdivision of Lots 6 and 8 of the Bay Tract as shown on a map of said Re-subdivision filed in the Monroe County Clerk's Office in Liber 19 of Maps at page 2.

Said part of lot 8 being more particularly bounded and described as follows:

Beginning at a point in the westerly Street line of Miller Street at it's intersection with the southerly line of said Lot 8;

- Thence 1) Westerly along the southerly line of said Lot 8 a distance of 115.00 feet to the southwest corner of said Lot;
- Thence 2) Northerly along the westerly line of said Lot 8 a distance of 20.88 feet to a point;
- Thence 3) Easterly through the lands of said Lot 8 a distance of 115.02 feet to a point on the westerly line of Miller Street 19.65 feet northerly from the point or place of beginning;
- Thence 4) Southerly along the westerly street line of Miller Street a distance of 19.65 feet to the point or place of beginning.

Being part of the same premises acquired by the City of Rochester by a deed recorded in the Monroe County Clerk's Office on November 17, 2000

and filed in Liber 9388 of deeds at page 512.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
February 14, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 27 - Appropriating Funds For The Glendale Park Group Curb Replacement Project

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-21
Re: Glendale Park Group Curb
Replacement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the appropriation of \$437,000 from the 2005-06 Community Development Block Grant, Improving the Housing Stock and General Property Conditions allocation, to partially finance the cost of the Glendale Park Group Curb Replacement Project.

The project, which is being designed by City staff in the Department of Environmental Services, provides for improvements on six streets as follows:

Glendale Park (Dewey Avenue - Fulton Avenue)
Glenwood Park (Dewey Avenue - Tacoma Street)
Maryland Street (Ravine Avenue - Glenwood Avenue)
Malvern Street (Ravine Avenue - South End)
Ravine Avenue (Aldern Place - Lake Avenue)
Tacoma Street (Glendale Park - Glenwood Avenue)

The scope of the work includes installation of new granite curbs with under-drain pipe, new driveway aprons, spot sidewalk replacements, adjustment of existing catch basins, and restoration of all areas disturbed by the construction activities. The project was presented to the public at a meeting on October 5, 2005. Minutes of this meeting are attached.

The cost of the project is estimated to be \$700,000, including contingency, and will be financed from the appropriation requested herein and from Bond Ordinance 2005-59.

It is anticipated that construction of the improvements will begin in the spring and be completed in summer of 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-8

Ordinance No. 2006-21
(Int. No. 27)

Appropriating Funds For The Glendale Park Group Curb Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$437,000, or so much thereof as may be necessary, to fund the Glendale Park Group Curb Replacement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
February 14, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 29 - Local Law Amending The City Charter In Order To Make It Gender Neutral

Int. No. 30 - Amending The Municipal Code In Order To Make It Gender Neutral

Int. No. 31 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 32 - Authorizing An Agreement For A Human Services Project

Int. No. 33 - Authorizing Acceptance Of A Grant And Amending The 2005-06 Budget For The Learn To Swim Program

Int. No. 37 - Amending The 2005-06 Budget For The Biz Kid\$ II Program

Int. No. 38 - Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 28 - Cancellation Of Taxes And Charges

Int. No. 40 - Authorizing Amendatory Agreements For Services For The Friends & Families Of Murdered Children Project And Rescinding Ordinance No. 2005-225

Respectfully submitted,
Benjamin L. Douglas (Abstained on Int. No. 31)
Carolee A. Conklin
Dana K. Miller
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 1 And
Ordinance No. 2006-22
Re: Gender-Neutral Language

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are amendments to the City Charter and Code to replace gender-specific language with gender-neutral language. These amendments are in keeping with Rochester's long tradition of support for equal opportunity in the tradition of Fredrick Douglass and Susan B. Anthony. In fact, on February 15, we will celebrate the 186th anniversary of the birth of Susan B. Anthony and the proposed legislation is a fitting tribute to her spirit.

Since it was first written in 1834, the City Charter has made references to "Councilmen", "Councilmanic Districts", "Firemen", "Policemen", etc. During the many revisions and amendments that have been enacted since that time, some of the gender-specific language has been removed. However, much still remains and the proposed legislation will bring our language into line with our established practices and our philosophical commitment to equality.

The proposed changes will be included in the regular quarterly supplements of the Charter and Code. The incremental cost of these changes will be minimal and will be absorbed in the existing agreement with General Code for those services.

Respectfully submitted,
Lois J. Giess Carolee A. Conklin
President Councilmember-at-Large

Local Law No. 1
(Int. No. 29)

Local Law Amending The City Charter In Order To Make It Gender Neutral

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended so as to make the City Charter gender neutral, as follows:

- a. The word "Councilman" shall be deleted in each place that it appears and shall be replaced by the word "Councilmember".
- b. The word "Councilmen" shall be deleted in each place that it appears and shall be replaced by the word "Councilmembers".
- c. The word "Councilman" shall be deleted in each place that it appears and shall be replaced by the word "Council".
- d. The word "policeman" shall be deleted in each place that it appears and shall be replaced by the words "police officer".
- e. The word "policemen" shall be deleted in each place that it appears and shall be replaced by the words "police officers".
- f. The word "fireman" shall be deleted in each

place that it appears and shall be replaced by the word "firefighter".

- g. The word "firemen" shall be deleted in each place that it appears and shall be replaced by the word "firefighters".
- h. In each place that the word "he" appears without being followed by the word "she" or the words "or she", the words "or she" shall be immediately added after the word "he". If the reference is to "he/she", it shall be amended to read "he or she".
- i. In each place that the word "his" appears without being followed by the word "her" or the words "or her", the words "or her" shall be immediately added after the word "his". If the reference is to "his/her", it shall be amended to read "his or her".
- j. In each place that the word "him" appears without being followed by the word "her" or the words "or her", the words "or her" shall be immediately added after the word "him". If the reference is to "him/her", it shall be amended to read "him or her".
- k. In each place that the word "himself" appears without being followed by the word "herself" or the words "or herself", the words "or herself" shall be immediately added after the word "himself". If the reference is to "himself/herself", it shall be amended to read "himself or herself".
- l. The word "Chairman" shall be deleted in each place that it appears and shall be replaced by the word "Chair", including where it is preceded by the word "Vice".
- m. The word "widow" shall be deleted in each place that it appears and shall be replaced by the words "surviving spouse".

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-22
(Int. No. 30)

Amending The Municipal Code In Order To Make It Gender Neutral

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Municipal Code of the City of Rochester, as amended, is hereby further amended so as to make the Municipal Code gender neutral, as follows:

- a. The word "Councilman" shall be deleted in each place that it appears and shall be replaced by the word "Councilmember".
- b. In each place that the word "he" appears without being followed by the word "she" or the words "or she", the words "or she" shall be immediately added after the word "he". If the reference is to "he/she", it shall be amended to read "he or she".
- c. In each place that the word "his" appears with-

out being followed by the word "her" or the words "or her", the words "or her" shall be immediately added after the word "his". If the reference is to "his/her", it shall be amended to read "his or her".

- d. In each place that the word "him" appears without being followed by the word "her" or the words "or her", the words "or her" shall be immediately added after the word "him". If the reference is to "him/her", it shall be amended to read "him or her".
- e. In each place that the word "himself" appears without being followed by the word "herself" or the words "or herself", the words "or herself" shall be immediately added after the word "himself". If the reference is to "himself/herself", it shall be amended to read "himself or herself".
- f. The word "Chairman" shall be deleted in each place that it appears and shall be replaced by the word "Chair", including where it is preceded by the word "Vice".
- g. The word "workmen" shall be deleted in each place that it appears in Section 40-61 and Section 43-10 and Section 103-13 and shall be replaced by the word "workers".
- h. The word "salesmen" shall be deleted in Section 62-1 and shall be replaced by the word "sales". The word "salesman" shall be deleted in Section 62-9 and shall be replaced by the word "sales".
- i. The word and symbol " , newsmen" shall be deleted from Section 86-1.
- j. The word "marksman" shall be deleted in each place that it appears in Section 99-8 and shall be replaced by the word "shooter".
- k. The word "watchmen" shall be deleted in the body of Section 103-3 and Section 103-5 and shall be replaced by the words "holders of a watch license". The word "watchmen" shall be deleted in the title of Section 103-3 and shall be replaced by the word "watch". The word "watchman's" shall be deleted in Section 103-7 and shall be replaced by the word "watch". The word "watchmen" shall be deleted in Section 103-7 and shall be replaced by the words "watch licenses".
- l. The word "flagman" shall be deleted in Section 104-5 and shall be replaced by the word "flagperson".
- m. The word "craftsmen" shall be deleted in Section 120-113 and Section 120-208 and shall be replaced by the word "crafters".

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-23
Re: Agreements - CONECTS Program

R2010: Campaign 1 - Involved Citizens
 Campaign 2 - Educational Excellence
 Campaign 3 - Health, Safety
 and Responsibility

Transmitted herewith for your approval is legislation relating to the Adolescent Pregnancy Prevention Services Program. This legislation will:

1. Authorize agreements with:

- a. New York State Office of Children and Family Services (OCFS) for the receipt of a grant of \$319,700 to be used to fund the 2006-07 CONECTS Consortium; and with,

b. The following CONECTS agencies for:

| | |
|--|-----------|
| Charles Settlement House Inc. | \$ 34,480 |
| Junior Achievement of Rochester | 2,800 |
| Society for the Care & Protection of Children (TAPSS) | 60,000 |
| Society for the Care & Protection of Children (Prevention) | 63,947 |
| Cameron Community Ministries | 11,053 |
| YWCA of Rochester and Monroe County | 60,000 |
| Total | \$232,280 |

2. Appropriate the grant funds to finance the cost of the agreements and \$87,420 for the costs associated with administration of the grant. This amount was included in the 2005-06 Budget.

The CONECTS pregnancy prevention, initiated in 1984, includes the above agencies. The Metro Council on Teen Potential provides program coordination and direction to the consortium, while the City serves as the lead agency. CONECTS is designed to reduce the rate of initial and repeat teen pregnancies and provide various services to pregnant or parenting teenagers. A summary of these services are included in the attached project description.

The Metro Council on Teen Potential and the NYS OCFS may modify allocation of funds among participating agencies as needed during the contract year.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AF-9

Ordinance No. 2006-23
 (Int. No. 31)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|--|---------------|
| Charles Settlement House, Inc. | \$34,480 |
| Junior Achievement | 2,800 |
| Society for the Protection & Care of Children (TAPSS) | 60,000 |
| Society for the Protection & Care of Children (Prevention) | 63,947 |
| Cameron Community Center | 11,053 |
| YWCA of Rochester & Monroe County | 60,000 |

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$232,280. The sum of \$319,700, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services to fund the agreements and the cost of administration.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliated agencies.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-24
 Re: Agreement - Dubois Urban Youth Training Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing an agreement for the Rochester Fatherhood Resource Initiative to administer the Dubois Urban Youth Training Program at a maximum cost of \$40,000. The cost of the agreement will be financed from the General Community Needs allocation of the 2005-06 Community Development Block Grant.

The DuBois Urban Youth Training Program is in the fifth year of CDBG funding. It is considered a project with matching funds and is therefore eligible for up to five years of funding under the human services funding guidelines approved by City Council in June 1981. The most recent agreement for these services was authorized in Ord. No. 2005-81.

Project Information Sheets are attached.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AF-10

Ordinance No. 2006-24
(Int. No. 32)

Authorizing An Agreement For A Human Services Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the following organization for a Human Services Project in an amount not to exceed the following:

Organization: Rochester Fatherhood Resource Initiative
Project: DuBois Urban Youth Training Program
Amount: \$40,000

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-25
Re: Learn to Swim Program

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing acceptance of a \$10,000 grant from Quad A for Kids for the Learn to Swim program, and amending the 2005-06 Budget of the Department of Parks, Recreation and Human Services to reflect the receipt and use of the grant.

Learn to Swim is a free nine-week instructional program for youth ages 7-13. The goal of the program is to provide basic swim instruction to City boys and girls who do not have access to other programs. The program is a collaboration between the Greater Rochester Chapter of the American Red Cross, The Rochester City School District, The City of Rochester/Bureau of Parks and Recreation, and Quad A for Kids. Instruction is offered at six sites (Adams Street Community Center, Clinton-Baden Community Center, Jefferson High School, Marshall High School, Douglas Preparatory School and Monroe High School) on Saturday mornings from late January to March. The lessons are taught by certified staff and assisted by volunteers. Annually, over 600 youth participate and over 100 volunteers assist with lessons, registration and supervision. Most youth receive certification cards from the Red Cross in one of the six levels. Youth also have the opportunity to continue in the Summer Swim Academy.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2006-25
(Int. No. 33)

Authorizing Acceptance Of A Grant And Amending The 2005-06 Budget For The Learn To Swim Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A for Kids for funding for the Learn to Swim Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$10,000, which amount is hereby appropriated from funds to be received from the agreement authorized in Section 1 for the Learn to Swim Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-26
Re: Biz Kid\$ II

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$28,900 from the General Community Needs Allocation of the 2004-05 Community Block Grant for the Biz Kid\$ II Program.

After completion of Biz Kid\$ I, graduates are given the opportunity to attend monthly business seminars as part of Biz Kid\$ & Beyond (Biz Kid\$ II). Seminar topics include banking, product design, customer service, and marketing. Graduates may also be paired with an advisor, sell products at the Rochester Public Market at the Biz Kid\$ spot or "The Flower Shop" at Rochester Landscape Technicians, and apply for a \$500 start-up loan from Progressive Neighborhood Federal Credit Union. All graduates of the program are invited to the quarterly Biz Kid\$ reunion which includes dinner, a dance and guest speakers.

Of the 59 BizKid\$ participants, 48 continued with BizKid\$ II. All were pre- and post-tested on banking, product design, and business and social responsibility knowledge. Graduates, on average, showed between 17% and 31% improvement on these measures.

Of the 48 participants in BizKid\$ II, 10 listed their businesses on the Biz Kid\$ website and/or placed products at the youth retail store; one applied for a loan through Progressive Neighborhood Credit Union;

two had a booth at the Public Market twice during the past summer; one was at the Market on six days. This same youth did a record sale of \$900 at the Caribbean Festival. One of the youths has sold 125 individually-created greeting cards over the last three months. Another participant has sold 30 pieces of handcrafted jewelry over the last six months.

In addition, the BizKid\$ website was created by a 15-year-old graduate. The site can be found at: <http://www.cityofrochester.gov/prhs/humanservices/bizkids/index.cfm>.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-26
(Int. No. 37)

Amending The 2005-06 Budget For The Biz Kid\$ II Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$28,900, which amount is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program to fund the Biz Kid\$ II Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-27
Re: Agreement - Monroe Community College, AmeriCorps Program

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety and Responsibility
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Community College, as agent for the Rochester AmeriCorps Program, for continued financial support of the AmeriCorps Program. The maximum cost of this agreement will be \$60,000, which will be financed from the 2005-06 Undistributed Fund.

The AmeriCorps program is a federal community service initiative for individuals ages 17 or older. The City's participation in the program was authorized by City Council in September 1994.

The program is administered by Monroe Community College. The Federal funding is based on a per participant amount and totals \$409,200. Local requirements are \$169,136 in non-federal cash, of which \$60,000 is provided by the City, and \$209,310 of in-kind contributions (largely administrative and space costs from MCC). The annual value to the community of member service hours and additional volun-

teer hours is in excess of one million dollars.

Under the program, participants perform a minimum of 1,700 hours of community service in exchange for a stipend or living allowance of \$10,600 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward improving the reality and perception of public safety in neighborhoods of highest need, with particular emphasis on initiatives involving children and youth. Over 900 individuals have participated in the program since its inception in 1994. Of this number, approximately 725 successfully fulfilled program requirements and earned education awards.

The program is approved and funded to enroll 33 individuals this year. Twelve of these members have been placed in City programs: two at the Lake Avenue Neighborhood Empowerment Team (NET) office, two with the Rochester Police Department's Victim Assistance Unit, one with the Rochester Police Department's Juvenile Accountability Conferencing program, and seven in City recreation programs. Objectives include supporting residents' involvement in initiatives addressing public safety and quality of life issues in their neighborhoods, providing children and youth with prevention and intervention services, and engaging children and youth in positive developmental and community service activities. This year's placements include:

Neighborhood Empowerment Team: The members' duties include assisting with surveys and other communications processes, attending community meetings, strengthening new and existing block clubs, and assisting with special projects, particularly at John Marshall High School and neighborhood elementary schools.

Rochester Police Department: Members' duties include enhancing the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy, and filing requirements; assisting with the operation of Juvenile Accountability Conferencing by preparing and facilitating conferences, following up with compliance requirements, and making presentations to schools, police personnel, and community groups; and coordinating the "Do the Right Thing" program (currently vacant position).

Department of Parks and Recreation: Members' duties include providing support to five City recreation centers by conducting daily recreation programs. Two members are placed in city-wide positions to develop training and activities for youth councils, provide assistance to council advisors, assist with the young entrepreneurs program, involve youth council members in television programming, and promote youth involvement in NBN activities.

The proposed City contribution will fund these 12 AmeriCorps members in the above placements. The term of the agreement will be from September 12, 2005 through August 27, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-27
(Int. No. 38)

Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Monroe Community College, as agent for the Rochester AmeriCorps Collaborative, for the AmeriCorps Program. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-28
Re: Cancellation or Refund of Erroneous
Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$30,088.69

An amount of \$14,100.00 (46.86% of the total) relates to three properties where code violation charges appearing on the tax bills were included in foreclosure actions, were attributed to a former owner or were invalid.

The sum of \$15,988.69 (53.14% of the total) applies to one property that is owned by a qualifying religious organization. The appropriate tax exemption was not recorded on the 2005 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$577,876.03.

| <u>Accounts</u> | <u>Amounts</u> | |
|-----------------|----------------|---------------------|
| City Council | 96 | \$496,172.21 |
| Administrative | 240 | <u>81,703.82</u> |
| Total | 336 | <u>\$577,876.03</u> |

These cancellations represent .258% of the taxes receivable as of July 1, 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-28
(Int. No. 28)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties have Rehab/Code Violations that are either attributed to a former owner,

were invalid or included in a foreclosure action.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Amount Canceled</u> |
|--------------------|-----------------|------------------------|
| <u>Address</u> | <u>Tax Year</u> | |
| 107.470-03-37 | H | |
| 464 Rosewood Ter | 2006 | \$ 3,700.00 |
| 121.820-01-12 | NH | |
| 1051 S. Clinton Av | 2006 | 6,000.00 |
| 135.340-01-18 | H | |
| 39 Paige St | 2005 | <u>4,400.00</u> |
| | | <u>\$14,100.00</u> |

- (b) This property was owned by a tax exempt organization and qualified for a tax exemption as of February 1, 2005. This property was purchased from a former tax exempt entity and the Supplemental Tax does not apply to this property and all taxes should be cancelled.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Amount Canceled</u> |
|--------------------|-----------------|------------------------|
| <u>Address</u> | <u>Tax Year</u> | |
| 120.430-01-26.001 | NH | |
| 660-668 W. Main St | 2006 | <u>\$15,988.69</u> |
| Grand Total | | <u>\$30,088.69</u> |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 40
Re: Agreements - Friends and Families
of Murdered Children

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation related to the Friends and Families of Murdered Children program. This legislation will:

1. Rescind Ordinance No. 2005-225, approved by Council in July 2005, which authorized an agreement with Community Place for \$50,000 to oversee the program.
2. Authorize amendatory agreements with the following individuals to implement the program, in the following amounts:

| <u>Name</u> | <u>Address</u> | <u>Original Contract</u> | <u>Additional Amount</u> |
|----------------|-------------------------|--------------------------|--------------------------|
| Alberton Jones | 268 Spruce Avenue | | |
| | \$10,000 | \$ 5,000 | |
| M. Brown Long | 441 Maple Street | | |
| | 10,000 | 5,000 | |
| Audrey Smith | 9 LaCroix Court, Apt. H | | |
| | 10,000 | 10,000 | |

These agreements will be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Community Place, originally authorized to oversee the Friends and Families of Murdered Children project, is no longer a viable agency for this purpose. These consultants will provide service coordination, resource development, and administrative and court advocacy services to the Friends and Families of Murdered Children Project.

The group was established by the City in 1994 to address the ongoing impact of homicide and traumatic loss in our community. The project continues to offer immediate crisis intervention in the event of a homicide or violent injury, and education activities on violence and its consequences. The City's support will allow the project to seek ongoing stable funding from a variety of sources and to develop a service model that can be supported on a long-term basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Douglas moved to return Introductory No. 40 to committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

Introductory No. 40

AUTHORIZING AMENDATORY AGREEMENTS FOR SERVICES FOR THE FRIENDS & FAMILIES OF MURDERED CHILDREN PROJECT AND RESCINDING ORDINANCE NO. 2005-225

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into amendatory agreements with Audrey Smith in an amount not to exceed \$10,000, and Alberton Jones and M. Brown Long in amounts not to exceed \$5,000 each, for service coordination, resource development, and administrative and court advocacy services for the Friends & Families of Murdered Children Project.

Section 2. The amendatory agreements shall obligate the City to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2005-225, relating to an agreement with Community Place of Rochester for the Friends & Families of Murdered Children Project, is hereby rescinded.

Section 5. This ordinance shall take effect immediately.

Item held.

By Councilmember McFadden
February 14, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 34 - Authorizing Applications And Agreements With Respect To Traffic Enforcement Programs And Amending The 2005-06 Budget

Int. No. 35 - Authorizing Grant Agreements For A Police Dog And Amending The 2005-06 Budget

Int. No. 41 - Authorizing Agreements For Funding For The 2005 Justice Assistance Grant Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-29
Re: Agreement - Governor's Traffic
Safety Committee Grants

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the NY State Governor's Traffic Safety Committee (GTSC) for acceptance of grants of \$15,331 for the Selective Traffic Enforcement Program and \$17,521 for Buckle-Up! New York, and amending the 2005-06 Police Department budget by \$19,700 to reflect receipt and use of a portion of these funds. Remaining funds will be included in the 2006-07 Budget request.

Under each of these programs, the GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details.

Selective Traffic Enforcement Program (STEP)

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving. The Special Operations Section of the Police Department will conduct enforcement details, targeting locations with a high incidence of accidents. Enforcement strategies include the use of Laser RADAR speed detection, and saturation patrol with marked and unmarked police vehicles. During the previous funding period, 985 citations were issued to motorists, including 649 for speeding and 143 violations dealing with traffic control devices. Attached is a detailed breakdown of tickets issued. This is the fourth year of GTSC funding to the City for this program. The previous award of \$23,640 was approved by City Council in April 2005.

Buckle-Up! New York (BUNY) Seatbelt Enforcement Program

Enforcement activity will include 280 hours of joint road checks with NY State Police officers during the spring and fall statewide "wave" enforcement periods. An additional 104 hours of enforcement will be provided by RPD officers between those periods. In 2004 there were 18 enforcement details, 7 traffic arrests, 49 child safety restraint violations, and 1,040 tickets issued. This program involves a state-coordinated public information campaign, a high level of activity by NY State Police units, and zero tolerance - all violators will be issued tickets. Last year's award of \$23,799 was approved by Council in February 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-11

Ordinance No. 2006-29
(Int. No. 34)

Authorizing Applications And Agreements With Respect To Traffic Enforcement Programs And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the Governor's Traffic Safety Committee for funding for the Seat Belt Enforcement Program and the Selective Traffic Enforcement Program (STEP).

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$19,700, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-30
Re: Agreement - Grant for Canine Unit

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with The Milk-Bone Company and Tops Markets for a grant of \$5,000 to be used for purchase of a dog for the Police Department, Special Operations Section, Canine Unit, and amending the 2005-06 Budget of the Police Department to reflect receipt and use of the grant.

The purchase of this dog, along with the training of a handler during Spring 2006, will bring the Canine Unit up to authorized strength, a total of ten dogs and handlers, and will provide coverage for all patrol shifts.

This is the first time we have received a grant from this source and there is no cash match required. The grant term is for December 2005 through June 2006, with the potential of a six-month extension.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-30
(Int. No. 35)

Authorizing Grant Agreements For A Police Dog And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with The Milk-Bone Company and/or Tops Friendly Markets for funding for a police dog for the Rochester Police Department.

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-31
Re: 2006 Justice Assistance Grant

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation related to the Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the Bureau of Justice Assistance to accept a grant of a maximum of \$142,051 through the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) program;
2. Appropriate funds received from the grant; and
3. Authorize an agreement with the County of Monroe to transfer half of the grant funds to the County, in accordance with the certification issued by the United States Department of Justice, requiring shared spending of City-County JAG funds.

Under a joint spending plan, the City and County evenly split their combined grant awards. The full amount of the City's share, a maximum of \$71,025, will underwrite the salary and fringe benefits of two full-time, non-sworn positions in the Police Department.

Opportunity for public review and comment, the agreement with the County of Monroe, and the on-line application process all must occur by March 02, 2005. The actual drawdown of funds will be held in a Trust Fund established by the City for distribution of LLEBG and JAG funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-31
(Int. No. 41)

Authorizing Agreements For Funding For The 2006 Justice Assistance Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the 2006 Edward Byrne Memorial Justice Assistance Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby half of the grant funds received shall be provided to the County to fund County Grant Programs.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$71,025, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County, is hereby appropriated from 2006 Edward Byrne Memorial Justice Assistance Grant Program Funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
February 14, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 36 - Authorizing An Application And Agreements For An Energy Study Of The Blue Cross Arena At The War Memorial

Int. No. 42 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No., 2006-32
Re: NYSERA Energy Study - Blue Cross
Arena at the War Memorial

R2010: Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to an energy efficiency and conservation study at the Blue Cross Arena at the War Memorial as part of the New York State Energy Research and Development Authority (NYSERDA) Flex Tech Program. This legislation will authorize agreements with:

1. NYSERDA so that a grant amount of \$13,280 can be paid directly to the contractor (LaBella Associates, P.C.); and
2. LaBella Associates, P.C., in the amount of \$13,280 to conduct the study. This amount will be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

During major renovations of the arena, several energy efficiency improvements were implemented. As a result, energy costs, when adjusted for rate increases, have actually decreased since 1998 by approximately 15-20%. However, a number of proposed projects (e.g., heating, ventilating and air conditioning), were considered to have a low payback based on energy rates or other considerations, and were not implemented. Given the continuing major rate increases, it is recommended that a comprehensive energy study be completed that can guide future capital and operational improvements at the facility.

Under the State's Flex Tech Program, the City will contract with LaBella, a certified contractor under the program, to conduct the study for a total fee not to exceed \$26,560. NYSERDA will pay LaBella directly 50% of the fees. LaBella will provide the following:

1. Identify means to minimize electric, steam, electricity and chilled water usage;
2. Identify and evaluate capital improvements, equipment and system modifications necessary to achieve energy efficiency improvements;
3. Develop specification and equipment lists necessary to calculate implementation and operating costs;
4. Prepare payback analysis based on projected capital and operating costs relative to projected savings.

The recommendations from this project are expected to be received in time for consideration during the preparation of the 2006-07 Capital Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-32
(Int. No. 36)

Authorizing An Application And Agreements For An Energy Study Of The Blue Cross Arena At

The War Memorial

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Energy Research and Development Authority for funding for an energy study of the Blue Cross Arena at the War Memorial.

Section 2. The sum of \$13,280, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for a professional services agreement between the City and LaBella Associates, P.C. for an energy study of the Blue Cross Arena at the War Memorial. Said amount shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services. The additional sum of \$13,280 shall be paid to LaBella Associates, P.C. for said study by the New York State Energy Research and Development Authority.

Section 3. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-16
Re: Appointment - REDCO

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation confirming the appointment of Patricia Malgieri, Deputy Mayor, to the board of the Rochester Economic Development Corporation. She will fill the vacancy created by the resignation of Richard Hannon, former Deputy Mayor. Her term will extend through June 30, 2007.

A copy of Ms. Malgieri's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-16
(Int. No. 42)

Resolution Approving An Appointment To The Rochester Economic Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Patricia K. Malgieri, Deputy Mayor, to the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2007. Ms. Malgieri shall replace Richard W. Hannon, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
MARCH 14, 2006**

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF THE MINUTES
By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of February 14, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3831-7
Public Disclosure - CDBG Participation 3832-7
Public Auction - May 10 & May 11, 2006 3833-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Letter from Coalition of Small Businesses urging Certificate of Use program be rescinded. Presented by Councilmember Conklin. Petition No. 1616

THE COUNCIL PRESIDENT - RECEIVED AND FILED.**PUBLIC HEARINGS.**

Pursuant to law public hearing will now be had on the following matter:

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program, Authorizing Amending Program Plans And Amending Ordinances To Transfer Funds. Int. No. 49 No Speakers.

Authorizing An Amending 2005-06 Community Development Program Plan And Agreement To Establish A Float Loan And Funding For The Rochester Housing Development Fund Corporation Int. No. 73 No Speakers.

Amending The Official Map By Abandonment Of

A Portion Of Sunset Street And Authorizing Sale Of The Abandonment Area Int. No. 77 No Speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 54 No Speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 55 No Speakers.

Authorizing An Amendatory 2005-06 Community Development Program Plan And An Agreement For The Group 14621 Community Technology Center Int. No. 59 1 speaker, Joan Roby-Davison.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
March 14, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 46 - Authorizing The Sale Of Real Estate

Int. No. 47 - Amending Ordinance No. 2005-374 Relating To The Sale Of Real Estate

Int. No. 48 - Appropriating Funds For Sector Programs

Int. No. 65 - Authorizing Agreements For The Adopt-A-Block Program

Int. No. 66 - Resolution Approving Reappointment To The City Planning Commission

Int. No. 67 - Resolution Approving Reappointment To The Rochester Preservation Board

Int. No. 68 - Resolution Approving Appointments To The Zoning Board of Appeals

Int. No. 74 - Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code

Int. No. 75 - Adopting The Amended Environmental Review Statement Of Findings For The Municipal Code Revisions With Respect To Lead-Based Paint Poisoning Prevention

Int. No. 79 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Urban Park Apartments

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 49 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program, Authorizing Amendatory Program Plans And Amending Ordinances To Transfer Funds

Int. No. 73 - Authorizing An Amendatory 2005-06 Community Development Program Plan And Agreement To Establish A Float Loan And Funding For The Rochester Housing Development Fund Corporation

Int. No. 77 - Amending The Official Map By Abandonment Of A Portion Of Sunset Street And Authorizing Sale Of The Abandonment Area

Int. No. 77 No Speakers.

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot
Gladys Santiago
HOUSING & COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-33 And
Ordinance No. 2006-34
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of five properties, and amending a prior ordinance relating to the sale of real estate. Staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first property is a vacant lot located at 130 Weeger Street that was sold at public auction, subject to the acceptance of a development proposal. The purchaser will fence and landscape the parcel and combine it with his adjoining property.

The next property is a single-family structure located at 87 Richmond Street that is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The last three properties are unbuildable vacant lots located at 20 Carl Street, 22 Judson Street and 623 Portland Avenue. The parcels are being sold to the adjoining owners for \$1.00, and are considered unbuildable due to their size.

Amendment

The Division of Real Estate is requesting that Ordinance No. 2005-374 which was passed on December 20, 2005, and which authorized the sale of 302 Lyceum Street to Jhon Manuel Zorrilla be amended to authorize the sale of 302 Lyceum Street to Elias Nieves. Jhon Manuel Zorrilla's name was inadvertently inserted as the purchaser for 302 Lyceum Street in the original ordinance.

All City taxes and other charges, except water charges, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-12

Ordinance No. 2006-33
(Int. No. 46)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 130 Weeger St
S.B.L.#: 106.33-1-40
Lot Size: 41x102
Price: \$100
Purchaser: Ramon Santiago

Section 2. The Council hereby further approves the sale of the following parcel of improved property by former owner sale:

Address: 87 Richmond St
S.B.L.#: 106.82-3-39
Lot Size: 33x120
Price: \$5,097
Purchaser: Michael C. & Catherine R. Samson

Section 3. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Lot Size Purchaser | Sq. Ft. |
|--------------------------------|--|---------|
| 20 Carl St 106.23-1-81 | 35x94 Dudley A. Davis | 3306± |
| 22 Judson St 120.58-3-44 | 33x82 Gregory L. & Johnnie C. Rodgers | 2712± |
| 623 Portland Av 106.26-2-14 | 30x100 The Lost Sheep Ministry, Inc.* | 3000± |

*Officers: Richard Stanin; Duane Adams; Albertina Mohenu

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-34
(Int. No. 47)

Amending Ordinance No. 2005-374 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-374, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 302 Lyceum Street, as approved in Section 1, from Jhon Manuel Zorrilla to Elias Nieves.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-35
Re: Community Development Block
Grant/Neighborhood Improvement
Program/Mini-Grant

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating funds from the 2005-06 Consolidated Community Development Plan, and authorizing agreements with Sectors 4 and 7 for use of these funds. Ten-thousand-dollars from the Other Programs, Sector Funding Initiative, and \$2,500 from the Other Programs, Mini-Grant of the 2004-05 Annual Action Plan will be used for Neighborhood Improvement Program (NIP) grants.

The NIP provides grants of up to \$25,000 for sector planning committees to undertake housing and community development activities. The following sector projects are being recommended:

Sector 4
Various Neighborhood Improvements
\$10,000

A Request for Proposal process was used to identify primary neighborhood projects. First to be funded are: 1) Changing of the Scenes neighborhood clean-up; and 2) an art installation in the center of the South Plymouth Avenue and Ford Street roundabout, proposed by the Plymouth Exchange Neighborhood Association. The remaining sector funds are expected to be used later this year.

Sector 7
"Ban the Cigarette Butts" Campaign
\$2,500

The Sector proposes to place "butt" containers outside of the numerous bars and restaurants in the entertainment district on Monroe Avenue in order to help keep a neat, orderly streetscape.

A summary of NIP projects to date is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-13

Ordinance No. 2006-35
(Int. No. 48)

Appropriating Funds For Sector Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated from the Other Programs Allocation of the 2004-05 Community Development Program, and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program, to fund the following Sector Projects:

| | |
|------------------------------------|----------|
| Sector 4 | |
| Neighborhood Improvements | \$10,000 |
| Sector 7 | |
| "Ban the Cigarette Butts" Campaign | 2,500 |
| Total | \$12,500 |

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-36
Re: Adopt-A-Block Program

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with eighteen organizations for participation in the 2006 Adopt-A-Block Program. The total maximum cost of these agreements will be \$230,206, which will be financed from the 2005-06 budget of the Department of Environmental Services.

The Adopt-A-Block Program was initiated in 1988 to improve the cleanliness of highly visible areas of the city by increasing litter services. Under the program, neighborhood or community organizations contract with the City to supplement its regular cleaning services.

Proposals for participation in the 2006 program were solicited from 46 organizations. Twenty organizations submitted proposals for the maintenance of 43 areas totaling 48.48 miles. Thirty-one of these proposals were recommended for approval.

Each organization will provide a minimum of two workers to perform special hand sweeping and litter removal services for at least seven hours each day, two days per week, between May and October. Sidewalks, tree lawn areas, and curb lanes will be cleaned.

The organizations will provide all necessary equipment. The City will provide additional refuse collection services as required.

The fee to be paid for all approved areas consists of the following:

| | |
|---|---------|
| Administrative services | \$1,500 |
| Sweeping and litter removal services (May through October) | 5,926 |
| | \$7,426 |

The following organizations are participating in the program:

| | |
|--|-----------|
| Coalition of North East Associations | \$ 14,852 |
| ISLA | 14,852 |
| CFC Francis Center | 7,426 |
| North East Block Club Alliance | 14,852 |
| South East Area Coalition | 14,852 |
| Calvary St. Andrews Church | 14,852 |
| Southwest Area Neighborhood Association | 29,704 |
| Portland Avenue Business Association | 7,426 |
| High Falls Business Association | 7,426 |
| Plymouth Exchange Neighborhood Association | 7,426 |
| Lyell Avenue Business Association | 14,852 |
| North Clinton Avenue Business Association | 7,426 |

| | |
|--------------------------------------|-----------|
| Group 14621 | 7,426 |
| Urban League of Rochester, N.Y., Inc | 22,278 |
| The Center For Change | 22,278 |
| Rochester Christian Church | 7,426 |
| Upper East End Business Association | 7,426 |
| East End Business Association | 7,426 |
| Total | \$230,206 |

Following is a summary of participation during the past ten years:

| Year | Number of Organizations | Contracts |
|-----------------|-------------------------|-----------|
| 1997 | 14 | 26 |
| 1998 | 16 | 26 |
| 1999 | 16 | 26 |
| 2000 | 17 | 27 |
| 2001 | 14 | 24 |
| 2002 | 15 | 26 |
| 2003 | 14 | 32 |
| 2004 | 12 | 31 |
| 2005 | 16 | 31 |
| 2006 (proposed) | 18 | 31 |

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-36
(Int. No. 65)

Authorizing Agreements For The Adopt-A-Block Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Block Program:

| Organization | Amount |
|--|----------|
| Coalition of North East Associations (CONEA) | \$14,852 |
| ISLA | 14,852 |
| North East Block Club Alliance (NEBCA) | 14,852 |
| South East Area Coalition (SEAC) | 14,852 |
| Calvary Saint Andrews Church | 14,852 |
| Southwest Area Neighborhood Association (SWAN) | 29,704 |
| Lyell Avenue Business Association | 14,852 |
| Urban League of Rochester, N.Y., Inc. | 22,278 |
| The Center for Change | 22,278 |

Section 2. The agreements authorized herein, and additional Adopt-A-Block agreements, shall obligate the City to pay an amount not to exceed \$230,206, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Environmental Services.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-17,
Resolution No. 2006-18
And Resolution No. 2006-19
Re: Appointments - Boards and
Commissions

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is a resolution confirming the appointments and re-appointments of the following individuals.

Planning Commission - Reappointment

Donna Suchy
11 Edgerton Street 14607
Term to expire: February 28, 2008

Of nine possible meetings, Ms. Suchy was absent once in order to attend Board and Commission training.

Preservation Board - Reappointment

Craig Jensen
137 Gibbs Street 14605
Term to expire: February 28, 2008

Of 23 meetings held in 2004 and 2005, Mr. Jensen attended 21.

Zoning Board of Appeals - Reappointments

Eric Van Dusen
24 Trafalgar Street 14619
Term to expire: September 30, 2007

Of 22 meetings in 2004 and 2005, Mr. Van Dusen attended 17.

Roseanne Hennessey
214 Croydon Road 14610
Term to expire: September 30, 2007

Of 22 meetings in 2004 and 2005, Ms. Hennessey attended 19.

Sherry Walker
14 Juniper Street 14610
Term to expire: September 30, 2007

Of 24 possible meetings in Ms. Walker's service, she has attended 20.

Zoning Board of Appeals - Appointment

Joseph P. O'Donnell
150 Versailles Road 14609
Term to expire: March 30, 2008

Mr. O'Donnell's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-17
(Int. No. 66)

**Resolution Approving Reappointment To The
City Planning Commission**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Donna P. Suchy, 11 Edgerton Street, to the City Planning Commission for a term which shall expire on February 28, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2006-18
(Int. No. 67)

**Resolution Approving Reappointment To The
Rochester Preservation Board**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Craig Jensen, 137 Gibbs Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2008.

Section 2. This ordinance shall take effect immediately.

Adopted unanimously.

Resolution No. 2006-19
(Int. No. 68)

**Resolution Approving Appointments To The
Zoning Board Of Appeals**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Roseanne Hennessey, 214 Croydon Road, to the Zoning Board of Appeals for a term which shall expire on September 30, 2007.

Section 2. The Council hereby approves the reappointment of Eric Van Dusen, 24 Trafalgar Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2007.

Section 3. The Council hereby approves the reappointment of Sherry Walker, 14 Juniper Street, to the Zoning Board of Appeals for a term which shall expire on September 30, 2007.

Section 4. The Council hereby approves the appointment of Joseph O'Donnell, 150 Versailles Road, to the Zoning Board of Appeals for a term which shall expire on March 30, 2008. Mr. O'Donnell shall replace Josanne Reaves, whose term has expired.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-37 And
Ordinance No. 2006-38
Re: Lead-Based Paint Poisoning
Prevention Amendments

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of the Municipal Code, Property Conservation Code, to provide consistency with Federal regulatory standards and to reduce the burden of lead hazard identification on property owners.

The Lead-Based Paint Poisoning Prevention requirements were added to Chapter 90 of the Municipal Code by Ordinance No. 2005-393, which becomes effective on July 1, 2006. In preparation for the review of the ordinance by the State Codes Council and for implementation of the ordinance, the City has determined that the requirement in Section 90-56B of identification of lead-based paint by a lead-based paint inspector or risk assessor places an unnecessary and potentially costly burden on property owners. Once a violation has been cited by a City inspector, further identification procedures are not necessary and the property owner can proceed to obtain clearance.

The City has also identified that the clearance standards for porches contained in Section 90-57D are not consistent with Federal regulations and recommends their removal. Deteriorated paint on open porches will be classified as an exterior violation. Open porches will be defined in accordance with the definition found in the Zoning Code.

Additional technical amendments are being requested to provide consistency throughout the Code, and to confirm that the dust-lead hazard cited pursuant to Section 90-55 of the Code is classified as a violation in Section 90-54. An Amended Environmental Review Statement of Findings is also required upon approval of this item.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-37
(Int. No. 74)

Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of the Municipal Code, Property Conservation Code, as added by Ordinance No. 2005-393 and effective on July 1, 2006, is hereby amended as follows:

- a. The following new definition is hereby added to Section 90-52, Definitions, where it should appear in alphabetical order:

PORCH, OPEN - A roofed open structure projecting from the exterior wall of a building and having at least 70% of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect screening between floor and ceiling.

- b. The following new subsection C is hereby added to Section 90-54, Violations:

- C. Dust-lead hazard violation.

A dust-lead hazard shall be identified and cited in accordance with the procedures set forth in Section 90-55, Inspection for violations.

- c. Section 90-56, Remedy for violations, is hereby amended by amending subsections B and D thereof to read in their entirety as follows:

- B. Certification by a lead-based paint inspector or risk assessor that all cited violations of Section 90-54, Violations, have been abated, or interim controls implemented, and clearance has been achieved in accordance with standards found at 40 CFR §745.227(e), regardless of whether abatement has been achieved or interim controls implemented, and provided however that the property has been inspected pursuant to those standards since the deteriorated paint or dust-lead hazard violation was last cited.

- D. Where only exterior deteriorated paint violations, including deteriorated paint violations on an open porch, and/or bare soil violations are cited, clearance may be established through a visual assessment by a City inspector after reduction measures have been implemented.

- d. Section 90-57, Standards for clearance examination and report, is hereby amended by amending subsections B(3) and D thereof to read in their entirety as follows:

- (3) Dust samples shall be wipe samples and shall be taken on floors, excluding open porches, and, where practicable, interior windowsills and window troughs. Dust samples shall be collected and analyzed in accordance with 40 CFR 745.227(f) and (g).

- D. Clearance standards.

Where a deteriorated paint or dust-lead hazard violation has been cited, the dust-lead standards in 40 CFR §745.65(b) shall be met before a Certificate of Occupancy may be issued or a violation removed.

- e. Section 90-58, Lead-safe hazard reduction and control, is hereby amended by amending Subsection A by deleting the word "target" where it is contained therein and by inserting in its place the words "high risk". Said Section is hereby further amended by relettering Subsections E, F, G and H as Subsections D, E, F and G, respectively.
- f. Section 90-60, Safe work practices, is hereby amended by amending Subsection C by changing the reference therein from "Section 90-58B" to "Section 90-59B".

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

Ordinance No. 2006-38
(Int. No. 75)

Adopting The Amended Environmental Review

Statement Of Findings For The Municipal Code Revisions With Respect To Lead-Based Paint Poisoning Prevention

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves and adopts the Amended Environmental Review Statement of Findings which is submitted herewith for the revisions to the Municipal Code relating to Lead-Based Paint Poisoning Prevention.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-39
Re: Urban Park Apartments - Tax
Exemption and PILOT

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving a tax exemption and a payment in lieu of tax (PILOT) agreement for the Urban Park Apartments (James A. Dobson Apartments), located at 150 Van Auker Street.

This 253-unit affordable housing project was built in 1971 on land acquired from the Rochester Urban Renewal Agency. At that time, the project was granted a 40-year tax exemption by the City, due to expire in 2012, and was required to make payments in lieu of taxes of \$39,000 per year.

The Wishcamper Group of Portland, Maine proposes to acquire the property and spend \$8 million on needed renovations. Wishcamper plans to finance the acquisition and rehabilitation with \$9 million in tax-exempt bonds issued by COMIDA, and the roll-over of an existing \$3 million loan from HUD. In addition, they are seeking low-income housing tax credits to provide new equity of \$3.7 million. Wishcamper will establish a new housing development fund company (Article 11 of the Private Housing Finance Law) to own the property, and has asked for a continuation of the tax abatement from the City. The project would remain affordable to households with incomes at and below 60% of median family income.

In order to qualify for the 35-year tax exemption to commence on the 2006 assessment roll, the property must be acquired before July 1, 2006 by the housing development fund to be formed by Wishcamper. The annual PILOT for the first six years of the exempt period shall be \$80,000, and for the next twelve years shall be \$100,000. In the 19th year, the payments shall increase to 10% of the annual "shelter rent" of the project. That formula shall remain in place through the end of the exempt period. Upon its acquisition of the property, Wishcamper shall make an additional payment to the City of \$100,000.

The agreement will also ensure that, in order to maintain the exemption and PILOT, necessary improvements to the apartments will be made.

This formula provides a significant increase in annual revenue to the City (\$39,000 to \$80,000) for the

years 2006 through 2012, which would otherwise remain covered by the 1971 agreement. It also assures that by the year 2024, the project will be making the same 10%-of-shelter-rent payments that are standard for other housing projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-39
(Int. No. 79)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Urban Park Apartments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 35 years, the Urban Park Apartments, 150 Van Auker Street, SBL #121.37-1-11, provided that the property is owned by a housing development fund company to be established by the Wishcamper Group.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 35 years with the housing development fund company, whereby the company shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester in the amount of \$80,000 for the first six years of the exemption, \$100,000 for the next 12 years, and thereafter equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs. The Wishcamper Group or the proposed owner shall also pay to the City the sum of \$100,000 upon acquisition of the property. The exemption shall commence with the 2006 assessment roll, provided that the property is acquired by July 1, 2006 by the housing development fund company to be established by the Wishcamper Group.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-40
Re: Housing Opportunities for Persons
With AIDS Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the Housing Opportunities for Persons With AIDS (HOPWA) Program. This legislation will:

1. Authorize an agreement with the U.S. Department of Housing and Urban Development for receipt of a grant of \$575,000, and appropriate these funds for HOPWA;
2. Reappropriate a total of \$35,944 of unexpended HOPWA funds from previous years;

3. Authorize agreements with the following organizations for housing assistance services, including long-term rental subsidies, emergency rental and utility assistance, and transportation:

| <u>Organization</u> | <u>Amount</u> | <u>Number of Households</u> |
|---|---------------|-----------------------------|
| AIDS Rochester, Inc. | \$368,090 | 125 |
| Diocese of Rochester - Catholic Charities | 225,604 | 95 |

4. Appropriate \$17,250 of the grant to finance administrative expenses.

The cost of the agreements will be financed from the appropriations listed above. The City's 2005-06 HOPWA allocation from HUD is \$22,000 less than its 2004-05 allocation.

The HOPWA program provides resources and incentives for meeting the housing needs of persons with AIDS and related diseases. A 1999 survey of the housing needs and available housing services for people with AIDS conducted by the University of Rochester is available for review in the Office of the City Clerk.

The 2005-06 Consolidated Plan included an allocation to Action for a Better Community. ABC was to assume operation of the HOPWA services which had previously been provided by the Health Association (now DePaul). ABC's participation was based upon anticipated approval by New York State of a larger AIDS Institute grant. ABC, however, was not one of the programs selected to receive funding from the State. Accordingly, funding is distributed to the two remaining qualified service providers.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-14

Ordinance No. 2006-40
(Int. No. 49)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program, Authorizing Amendatory Program Plans And Amending Ordinances To Transfer Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|--------------------------|---------------|
| AIDS Rochester, Inc. | \$368,090 |
| Catholic Charities, Inc. | 225,604 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$593,694, and of said amount, and \$17,250 to fund administrative expenses, or so much thereof as may be necessary, \$575,000 is hereby appropriated from Housing Opportunities for Persons With AIDS Grant funds, \$11,020 is reappropriated from remaining unallocated funds from Ordinance No. 2005-44, as amended by Ordinance No. 2005-280, and \$24,924 is reappropriated from the funds reduced in Section 4.

Section 3. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The following ordinances, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, are hereby amended by reducing the amounts authorized and appropriated therein by the following amounts, which amounts are reappropriated herein:

| <u>Ordinance No.</u> | <u>Amount</u> |
|----------------------|---------------|
| 2003-29 | \$10,172.60 |
| 2004-71 | 14,751.27 |

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-41
Re: Asset Control Area Partnership
Program - Phase 3 Financing

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the 2005-06 Community Development Plan to allow the City's participation in HUD's Asset Control Area Partnership (ACAP) program. The amendment will authorize a \$2 million Community Development Block Grant float loan for use by the Rochester Housing Development Fund Corporation (RHDFC). The loan agreement will be with the RHDFC and/or JPMorgan Chase Bank, N.A.

The third phase of City participation in the ACAP program, approved by Council in November 2005, continues through December 2007. The ACAP agreement with HUD permits the City to purchase FHA-foreclosed single-family houses at a discount. The vacant homes are then renovated for resale to income-eligible buyers through the HOME Rochester program. The houses are transferred by the City to the RHDFC, which engages non-profit developers to renovate and sell the properties. To date, the RHDFC has acquired and renovated 267 properties under the first two ACAP phases.

Phase 3 requires a new \$16 million capitalization to acquire and renovate an estimated 170 properties. The RHDFC capitalization takes the form of a non-revolving line of credit, which is structured as a participation loan. As in the first two phases of financing, JPMorgan Chase Bank will be the lead lender in providing the line of credit. The City's participation will be \$2 million, the same amount as Phase 2. Other lenders include JPMorgan Chase (\$4 million), the Enterprise Foundation (\$2 million), and the Greater Rochester Housing partnership (\$1 million), with the balance of \$7 million to be contributed by other banking partners being recruited by JPMorgan Chase. Until such time as other banking partners are committed, JPMorgan Chase will finance the balance of the remaining \$7 million.

For Phase III, the United Way of Greater Rochester will assume funding of the interest reserve fund at \$250,000.

The CDBG float loan would be made available at no interest for a term of 30 months.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-24

Ordinance No. 2006-41
(Int. No. 73)

Authorizing An Amendatory 2005-06 Community Development Program Plan And Agreement To Establish A Float Loan And Funding For The Rochester Housing Development Fund Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2005-06 Community Development Program whereby within the Improving the Housing Stock and General Property Conditions allocation the sum of \$2,000,000 shall be added to a new account to provide a new float loan to fund a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD-foreclosed properties acquired from the City for resale as a part of the HUD Asset Control Area (ACA) Partnership.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation and necessary parties to provide a new float loan to fund a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD-foreclosed properties acquired from the City for resale as a part of the HUD Asset Control Area (ACA) Partnership. The float loan shall be for a term not to exceed 30 months, without interest.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$2,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-42
Re: Map Amendment - 1140 Lyell Avenue

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map of the City of Rochester by abandoning a 2,420 square foot portion of the Sunset Street right-of-way in conjunction with the Sunoco, Inc. redevelopment plan at 1140 Lyell Avenue, and authorizing the sale of this parcel to Sunoco. Based on a private appraisal from Robert G. Pogel, the sale price will be \$4,000.

This portion of Sunset Street is being acquired by Sunoco, Inc. at 1140 Lyell Avenue to improve traffic circulation on and off the site in conjunction with redevelopment of the existing convenience store with gas sales. The existing convenience store and gas pump islands will be replaced with a 2,400 sq.ft. convenience store and a new six-bay gas pump island and canopy.

The Planning Commission held an informational hearing on February 15, 2006. There were no speakers other than the applicant. By a vote of 5-0-0, the Commission recommended approval.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-15

Ordinance No. 2006-42
(Int. No. 77)

Amending The Official Map By Abandonment Of A Portion Of Sunset Street And Authorizing Sale Of The Abandonment Area

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Sunset Street:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Commencing at the intersection of the northerly right of way line of Lyell Avenue (66' Wide) with the southwesterly right-of-way line of Sunset Street (86' Wide); North 53°-46'-28" West, on said southwesterly right of way line, a distance of 10.54 feet to the Point of Beginning;

Thence 1) North 53°-46'-28" West, continuing on said southwesterly right-of-way line, a distance of 183.17 feet to the southwest corner of said Sunset Street;

Thence 2) North 1°-10'-44" East, on the westerly right-of-way line of Sunset Street (53' wide), a distance of 19.95 feet to a point;

Thence 3) South 88°-49'-16" East, through said Sunset Street, a distance of 16.84 feet to a point;

Thence 4) Southeasterly, continuing through said Sunset Street, on a curve to the left having a radius of 120.00 feet, having a chord bearing of South 38°-02'-05" East, a chord distance of 54.39 feet, a central angle of 26°-11'-46", a length of 54.86 feet to the point;

Thence 5) South 53°-40'-20" East, continuing through said Sunset Street, a distance of 73.00 feet to a non-tangent point of curvature;

Thence 6) Southeasterly, continuing through said Sunset Street, on a curve to the right having a radius of 185.00 feet, having a chord bearing of South 49°-48'-22" East, a chord distance of 47.89 feet, a central angle of 14°-52'-26", a length of 48.03 feet to a point of compound curvature;

Thence 7) Southeasterly, continuing through said Sunset Street, on a curve to the right having a radius of 10.00 feet, having a chord bearing of South 08°-26'-51" East, a chord distance of 10.97 feet, a central angle of 66°-32'-58", a length of 11.62 feet to the Point of Beginning.

And being 2,420± square feet.

Being part of the Sunset Street by Ordinance No. 47-130.

Subject to any easements or encumbrances existing or of record.

Section 2. Upon abandonment of said street, the Council hereby approves the sale of the City-owned abandonment area to Sunoco, Inc for the sum of \$4,000.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
March 14, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 50 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Jefferson Avenue And Brown Street Public Improvement Project

Int. No. 51 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Jefferson Avenue And Brown Street Public Improvement Project

Int. No. 52 - Establishing Maximum Compensation For A Professional Services Agreement For The

Jefferson Avenue And Brown Street Public Improvement Project

Int. No. 53 - Approving Granting Of Easement At 15 Hebard Street

Int. No. 69 - Authorizing Agreements For The Adopt-A-Lot Program

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 54 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 55 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-43,
Ordinance No. 2006-44
And Ordinance No. 2006-45

Re: Jefferson Avenue & Brown Street Public Improvement Project (West Main Street to Brown Street/Kensington Street to Jefferson Avenue)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation related to the Jefferson Avenue and Brown Street Improvement Project.

1. Authorize the issuance of bonds totaling \$110,000 and the appropriation of the proceeds thereof to finance the cost for construction of water improvements;
2. Authorize the issuance of bonds totaling \$100,000 and the appropriation of the proceeds thereof to finance the cost for construction of sewer improvements;
3. Authorize a professional services agreement with Stantec Consulting Services, Inc., 2250 Brighton-Henrietta Town Line Road, 14623, for Resident Project Representation (RPR) services at a maximum cost of \$110,000. The cost of the services will be financed from the 2004-05 Cash Capital allocation (\$101,200) and from the Water Bond (\$8,800) appropriated herein.

The project includes pavement rehabilitation, traffic calming, new stone curbing, new concrete sidewalks, driveway apron replacements, new hydrants and water services, drainage improvements, street lighting improvements, pavement markings, tree plantings, and lawn restoration.

Design of the project, completed by City staff, was presented at public meetings on April 27, 2005 and January 12, 2006. The 2005 minutes are on file with the City Clerk; the 2006 minutes are attached.

Pavement width changes were authorized by City Council in June 2005 and an Official Map Amendment, to accommodate intersection realignments at the Brown Street and Jefferson Avenue intersection, was authorized by Council in November 2005.

Bids for construction of the improvements were received on February 14, 2006. The work will be performed by Gordon J. Phillips Inc., at a cost of \$1,074,515.50, which is 6.5% less than the engineer's estimate. An additional \$187,598 (17.5%) will be allocated for contingencies which include street lighting costs.

| <u>Source</u> | <u>Construction</u> | <u>Contingency</u> | <u>RPR</u> | <u>Total</u> |
|----------------|---------------------|--------------------|------------|--------------|
| Street | \$ 867,650 | \$159,900 | \$101,200 | \$1,128,750 |
| Water | 85,717 | 15,483 | 8,800 | 110,000 |
| Sewer | 113,545 | 11,455 | 0 | 125,000 |
| County Traffic | 7,604 | 760 | 0 | 8,364 |
| Total | \$1,074,516 | \$187,598 | \$110,000 | \$1,372,114 |

The construction of the street improvements will be funded from 2003-04 and 2004-05 Cash Capital. The water improvements will be financed from the bond authorized herein. The sewer improvements will be financed from the bond authorized herein and 2001-02 Sewer Bond (Ordinance 02-151). Construction of the traffic improvements will be financed from previously appropriated anticipated reimbursements from Monroe County.

Stantec Consulting Services, Inc. was selected to perform resident project representation services based on the quality of the team assigned to the project. Construction is expected to begin this Spring and be completed in the Fall.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-22

Ordinance No. 2006-43
(Int. No. 50)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Jefferson Avenue And Brown Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Jefferson Avenue and Brown Street Public Improvement Project (West Main Street to Brown Street/Kensington Street to Jefferson Avenue) in the City (the "Project"). The

estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$110,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$110,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$110,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$110,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only

if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-44
(Int. No. 51)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Jefferson Avenue And Brown Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Jefferson Avenue and Brown Street Public Improvement Project (West Main Street to Brown Street/Kensington Street to Jefferson Avenue) in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$125,000. The plan of financing includes the issuance of \$100,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with \$25,000 bonds previously appropriated in Ordinance No. 2002-151, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed

with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the

City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-45
(Int. No. 52)

Establishing Maximum Compensation For A Professional Services Agreement For The Jefferson Avenue And Brown Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Jefferson Avenue and Brown Street Public Improvement Project (West Main Street to Brown Street/Kensington Street to Jefferson Avenue). The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Of said amount, \$8,800 shall be funded from a bond ordinance adopted for water purposes and \$101,200 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-46
Re: Granting of an Easement -15 Hebard Street

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement, for the City-owned parcel at 15 Hebard Street, to Harman Flooring Co., Inc. This property was recently acquired by the City in order to provide additional parking for the Rochester Public Market.

The easement will allow Harman Flooring access to their loading docks on their adjoining property at 29 Hebard Street. Harman Flooring's loading dock activities do not commonly fall on days or times when there are high demands for Market parking.

The easement will be granted for a fee of \$850. This amount was established through an Independent Appraisal prepared by Kevin L. Bruckner, MAI.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-16

Ordinance No. 2006-46
(Int. No. 53)

Approving Granting Of Easement At 15 Hebard Street

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the granting of a permanent easement to Harman Flooring Co., Inc. over property owned by the City at 15 Hebard Street to allow Harman to access its loading docks on its adjoining property at 29 Hebard Street.

Section 2. The property owner shall be obligated to pay the City the sum of \$850 for the easement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-47
Re: Adopt-A-Lot Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with nine neighborhood organizations for the maintenance of vacant lots. The total cost of the agreements will be \$120,800, which will be financed from the 2005-06 Budget of the Department of Environmental Services.

Adopt-A-Lot, started in 1983, is designed to increase the quality of vacant lot maintenance while decreasing cost. DES annually establishes the amount paid for maintenance of each vacant lot equivalent. Each lot equivalent represents a standard 40' x 100' parcel. DES prescribes standards (the same as those used by the department) and solicits proposals from local neighborhood associations. The associations are required to perform maintenance four or five times each season, with an emphasis in the spring.

Last season, 525 lot equivalents were maintained at a cost of \$120,800. The 2006 proposal is also for 525 lot equivalents, at \$230 each, to be maintained by the following organizations, all of which performed satisfactorily in 2005:

| <u>Organization</u> | <u>Amount</u> |
|---|------------------|
| Coalition of North East Associations | \$ 35,190 |
| Grace Unity Fellowship Church | 4,600 |
| Group 14621 | 7,130 |
| Marketview Heights Association | 20,700 |
| Montgomery Neighborhood Center | 5,750 |
| North East Block Club Alliance | 20,700 |
| Southwest Area Neighborhood Association | 16,100 |
| Urban League of Rochester | 5,290 |
| West Main Street Business Association | 5,290 |
| Total | <u>\$120,750</u> |

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 47
(Int. No. 69)

Authorizing Agreements For The Adopt-A-Lot Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Lot Program:

| <u>Organization</u> | <u>Amount</u> |
|--|---------------|
| Coalition of North East Associations (CONEA) | \$35,190 |
| Marketview Heights Association | 20,700 |
| North East Block Club Alliance (NEBCA) | 20,700 |
| Southwest Area Neighborhood Association (SWAN) | 16,100 |

Section 2. The agreements authorized herein and additional Adopt-A-Lot agreements shall obligate the City to pay an amount not to exceed \$120,800, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Environmental Services.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance
No. 1553 And Local Improvement
Ordinance No. 1554
Re: Public Market Snow Removal and
Security Services

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing snow removal and security districts, and approving the appropriations and assessments for snow removal and security services at the Public Market.

The snow removal and security districts were first established by City Council in May 1990 and August 1991, respectively. Both districts include 15 properties that are adjacent to the Public Market. The contract formerly included eighteen properties. Three of the properties are now owned by the City. The assessment formula has been adjusted to accommodate this change.

The Department of Parks, Recreation and Human Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. Monday through Saturday, and all day Sunday and certain holidays.

Part of the cost of these services is apportioned among the properties within the district. These assessments include: 1) a fixed fee for each property; and 2) an additional fee for each front foot of property. In 2006-07, the fixed fee for snow removal will be \$100 per property and the frontage fee will be \$.57 per foot. The total assessment will be \$2,330.96.

| | <u>Approved 2005-06</u> | <u>Proposed 2006-07</u> |
|----------------------|-----------------------------|-----------------------------|
| Fixed Fee | \$ 100.00 | \$ 100.00 |
| Number of Properties | 18 | 15 |
| Total | \$1,800.00 | \$1,500.00 |
| Footage Fee | \$ 1.62 | \$.57 |
| Footage | <u>1,662.34</u> | <u>1,457.83</u> |
| Footage Fee Total | \$2,692.99 | \$ 830.96 |
| Total Assessment | \$4,492.99 | \$2,330.96 |

The fixed fee for security services will be \$1,000 per property, and the frontage fee will be \$.72 per foot. The total assessment will be \$25,496.38. The fee reflects an increase in the hourly fee for the City security contract from \$10.33 to \$14.32 per hour.

| | <u>Approved 2005-06</u> | <u>Proposed 2006-07</u> |
|----------------------|-----------------------------|-----------------------------|
| Fixed Fee | \$ 990.00 | \$ 1,000.00 |
| Number of Properties | 18 | 15 |
| Fixed Fee Total | \$17,820.00 | \$15,000.00 |
| Footage Fee | \$ 5.09 | \$ 7.20 |
| Footage | <u>1,662.34</u> | <u>1,457.83</u> |
| Footage Fee Total | \$ 8,461.31 | \$10,496.38 |
| Total Assessment | \$26,281.31 | \$25,496.38 |

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-17

Local Improvement Ordinance No. 1553
(Int. No. 54, As Amended)

Local Improvement Ordinance - Snow Removal At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2006 to June 30, 2007.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2006-07 year shall be \$[2,330.96] 4,503.11. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus [fifty-seven] two dollars and six cents (\$[0.57] 2.06) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

| Property Address SBL No. | Front Footage |
|---|---------------|
| 248 N. Union Street 106.660-0001-014 | 558.27 |
| 171 Railroad Street 106.670-0001-078 | 190.25 |
| 60 Public Market 106.590-0003-008 | 40 |
| 64-66 Public Market 106.590-0003-009 | 40 |
| 68-70 Public Market 106.590-0003-010 | 40 |
| 50-52 Public Market 106.590-0003-006 | 40 |
| 55-57 Public Market 106.590-0003-007 | 40 |
| 59 Pennsylvania Avenue 106.590-0003-005.1 | 81.50 |
| 35 Pennsylvania Avenue 106.590.0003-002.1 | 120 |
| 16-18 Public Market 106.590-0003-001 | 40 |
| 25 Pennsylvania Avenue 106.580-0003-026 | 40 |
| 17-23 Pennsylvania Avenue 106.580-0003-027 | 40 |
| 15 Pennsylvania Avenue 106.580-0003-028 | 40 |
| 11 Pennsylvania Avenue 106.580-0003-029 | 19.57 |
| 9 Pennsylvania Avenue 106.580-0003-030 | 128.24 |

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2006 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2006.

Bracketed material deleted; underlined material added.

Passed unanimously.

Local Improvement Ordinance No. 1554
(Int. No. 55, As Amended)

Local Improvement Ordinance - Security At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2006 to June 30, 2007.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment.

The total amount to be assessed for the 2006-07 year shall be \$[25,496.38] 30,861.19. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$[1,000] 1,190.) per parcel plus [seven] eight dollars and [twenty] ninety-three cents (\$[7.20] 8.93) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

| Property Address SBL No. | Front Footage |
|---|---------------|
| 248 N. Union Street 106.660-0001-014 | 558.27 |
| 171 Railroad Street 106.670-0001-078 | 190.25 |
| 60 Public Market 106.590-0003-008 | 40 |
| 64-66 Public Market 106.590-0003-009 | 40 |
| 68-70 Public Market 106.590-0003-010 | 40 |
| 50-52 Public Market 106.590-0003-006 | 40 |
| 55-57 Public Market 106.590-0003-007 | 40 |
| 59 Pennsylvania Avenue 106.590-0003-005.1 | 81.50 |
| 35 Pennsylvania Avenue 106.590.0003-002.1 | 120 |
| 16-18 Public Market 106.590-0003-001 | 40 |
| 25 Pennsylvania Avenue 106.580-0003-026 | 40 |
| 17-23 Pennsylvania Avenue 106.580-0003-027 | 40 |
| 15 Pennsylvania Avenue 106.580-0003-028 | 40 |
| 11 Pennsylvania Avenue 106.580-0003-029 | 19.57 |
| 9 Pennsylvania Avenue 106.580-0003-030 | 128.24 |

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2006 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2006.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Douglas
March 14, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 56 - Approving Acquisition Of 214-220

And 226 University Avenue For The Rochester City School District

Int. No. 57 - Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services

Int. No. 58 - Amending The Municipal Code With Respect To Payments Via The Internet

Int. No. 70 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Rochester By The Numbers

Int. No. 71 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 76 - Amending The 2005-06 Budget With Respect To Motor Vehicle Chargebacks, As Amended

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 59 - Authorizing An Amendatory 2005-06 Community Development Program Plan And An Agreement For The Group 14621 Community Technology Center

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
Gladys Santiago (Did not vote on Int. No. 76)
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-48
Re: Acquisition of 214, 220 & 226
University Avenue

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing the acquisition of 214, 220 and 226 University Avenue for the Rochester City School District. The land is currently leased by the District to provide parking for School #58, located at 200 University Avenue.

The land has been leased for several years for necessary staff parking and school bus loading and unloading. The District holds the right of first refusal for purchase. The estate of Charles M. Bayer, the recently deceased property owner, has approached the District with an offer to sell the property.

The purchase amount will be \$115,000. An appraisal, prepared by Independent Real Estate Appraiser Kevin L. Bruckner, MAI, has established the market value of the property at \$228,000. The total acquisition amount, including closing costs, will be funded from the proceeds of Bond Funds allocated from the District's five-year Capital Improvement Program. The School Board has authorized this acquisition pursuant to Resolution #2005-06:470.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-18

Ordinance No. 2006-48
(Int. No. 56)

Approving Acquisition Of 214, 220 And 226 University Avenue For The Rochester City School District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 214-220 and 226 University Avenue, SBL #106.81-1-17, 18 and 19, reputed owner Estate of Charles M. Bayer, for an amount not to exceed \$115,000, for use by the Rochester City School District for parking for School #58.

Section 2. The acquisition and necessary closing costs shall be funded by the City School District.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-49
Re: Agreement - GASB 45 Actuary
Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Mercer Human Resource Consulting, Inc. in the amount of \$39,000 for the provision of actuary services necessary to comply with new Federal financial reporting requirements. This agreement will be funded from the 2005-06 Budget of the Department of Finance.

Recent changes by the Governmental Accounting Standards Board (GASB) now require that the liability for post-employment benefits, including health insurance costs for retirees, be reported in annual financial statements. Compliance with this regulation, GASB Statement No. 45, requires us to report the value of such costs, not the funding of it. Thus, no budgetary impact is expected.

Since the Rochester City School District, as a component unit in the City's annual financial reports, must also comply with the GASB 45 standards, we jointly participated in the search for a consultant. Six qualified firms responded to the Request for Proposal with costs ranging from \$39,000 to \$110,000. Of those, the three with the most reasonable cost estimates were interviewed. It was concluded that Mercer's proposal offered strong expertise combined with the lowest cost. In addition, they are the only firm based in the City. It should be noted that the District also intends to engage Mercer under their own agreement and

funding.

The proposed six-year agreement will provide for the initial actuarial estimate needed for the June 30, 2006 statements, along with the required biannual updates through June 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-49
(Int. No. 57)

Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$39,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Mercer Human Resource Consulting, Inc. for the provision of actuary services to comply with financial reporting requirements. Said amount shall be funded from the 2005-06 Budget of the Department of Finance.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-50
Re: Amending the City Code - Internet
Payments and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Section 8-15 of the City Code to add certain Library charges and Animal Services donations to the list of payments qualified to be accepted via the Internet.

The City of Rochester has been receiving Internet payments for water payments and parking tickets for the past five years.

The Local History Division of the Rochester Public Library maintains an index of death, birth and other notices appearing in local papers. This index is in a computer-searchable database that has grown from contributions from member libraries in Monroe County. Currently, patrons can write or call the Library's Local History Division to request photocopies of these records, for a charge of \$10.00 per copy. It is proposed that this service be made available through the City's website; the fee for this online service will be \$10.00, which includes a \$0.33 Internet convenience fee.

In addition, Animal Control Center of the Rochester Police Department requests a link to their web site to accept unsolicited on-line donations from members of the community who want to help with the care and maintenance of the animals. The link would facilitate the donation process and may increase donations, since it would be user-friendly. There is no convenience fee proposed for contributions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-50
(Int. No. 58)

Amending The Municipal Code With Respect To Payments Via The Internet

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 8-15 of the Municipal Code, Payments via Internet, is hereby amended in its entirety to read as follows:

§ 8-15. Payments via Internet.

The City Treasurer is authorized to accept payments via the Internet for water charges and parking violations, including any penalties and interest thereon, and for historical document requests made to the Rochester Public Library. There shall be a service charge for Internet payments of \$1 for water charges and \$3 for parking violations, and \$.33 for historical document requests to the Rochester Public Library. The City Treasurer is further authorized to accept donations to the City via the Internet to assist in the care and maintenance of animals at the Animal Control Center. There shall be no service charge for such donations. Submission via the Internet shall not be the only means of acceptance of these payments. The method used to receive Internet payments, the time of receipt and effect of the payment, and confirmation thereof, shall be in accordance with § 5-b of the General Municipal Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-51
Re: Amendatory Agreement - Carnevale
Associates, LLC - Rochester by the
Numbers

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Carnevale Associates, LLC (principal, Dr. John Carnevale), of Darnestown, MD, to design and oversee implementation of Rochester by the Numbers (RBN). The cost of this amendatory agreement will be \$144,000, bringing the total cost of the agreement to \$154,000, and will be funded from the 2005-06 Undistributed Budget Allocation for Efficiency and Effectiveness Initiatives. This allocation was increased at the request of Mayor Johnson and with the support of City Council, in anticipation of such initiatives required by the new Administration.

RBN is a performance measurement and accountability system designed to improve service. It will be used across Departments to drive and measure progress for this Administration. Monitoring of performance data gathered will help identify program and policy changes that might be required to enhance service delivery. Similar programs have been successful

ful in other cities, resulting in significant cost savings and improved services.

Carnevale Associates, LLC, is a public-policy consulting firm that has worked with Federal agencies, state and local governments, and non-profit and private organizations. Dr. Carnevale worked previously with the City in helping to create the Rochester Drug Strategy.

Carnevale will be sub-contracting with Simeone Associates, Inc. of Albany (principal, Dr. Ron Simeone), and J. Martin Solutions, Inc. of Holley, NY (principal, John Girvin). Simeone specializes in the development of quality monitoring systems and the use of quantitative analysis for public sector issues. J. Martin Solutions will provide local oversight. Its president, John M. Girvin, a 25-year veteran of the Police Department, has also worked for over a year as a consultant with the City on labor relations. Additionally, a minority and/or woman owned business is being sought to develop and administer customer satisfaction surveys and quality control follow-up to service requests.

Carnevale Associates will be responsible for the following:

1. Developing a model to guide the RBN measures selection process;
2. Assisting departments with measure selection and development;
3. Analysis of data as it becomes available;
4. Assisting with RBN meetings, including training;
5. Management of the 311 system as its scope is broadened to include City Hall Customer Satisfaction; and
6. Assisting with Budget Bureau processes.

The remaining balance in the Efficiency and Effectiveness allocation is \$356,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-23

Ordinance No. 2006-51
(Int. No. 70)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Rochester By The Numbers**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$144,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Carnevale Associates, LLC, to design and oversee implementation of Rochester by the Numbers. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Giess, Conklin, Douglas, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0

Councilmember McFadden abstained vote because he felt that there was not enough information to make his decision.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-52
Re: Agreement - Hinman Straub, State
Lobbying Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Hinman Straub, PC of Albany, for provision of state lobbying services. The maximum amount of this agreement will be \$36,000 and will be funded from the 2005-06 Budget of the Office of the Mayor. The agreement will cover services through December 31, 2006.

Hinman Straub was one of five proposals submitted in response to a Request issued to ten firms in early February 2006. The selection team, consisting of the Deputy Mayor, Chief of Staff, Director of Finance and the Deputy Director of Communications, selected Hinman Straub based on the quality of their proposal, the reputation of the firm and cost.

Sean M. Dooley, one of the firm's managing partners, will lead a team of five additional staff members of the firm. Together they will provide the following services:

1. Present and explain the City's legislative proposals to the City's Albany delegation, committee chairpersons, Senate and Assembly leaders, the Governor and administrative staff;
2. Arrange for the introduction of specific bills, their consideration by the appropriate committees in the Senate and Assembly and their approval by the Governor;
3. Identify and review all other bills that could affect the City and, as directed by the City, present comments concerning these bills;
4. Review and analyze the annual State budget with respect to its impact on the City;
5. Arrange and coordinate any necessary meetings between State and City officials;
6. Coordinate the above activities with the NYS Conference of Mayors and other "Big 6" cities, as necessary; and
7. Provide general advice on legislative and regulatory matters.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-52
(Int. No. 71)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$36,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hinman Straub, PC, for the provision of State lobbying services through December 31, 2006. Said amount shall be funded from the 2005-06 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-53
Re: 2005-06 Budget Amendment - Fuel
Cost Increases

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2005-06 Budget in order to reflect the unanticipated increase in the cost of vehicle fuel. \$449,200 will be transferred from the Contingency Account, and the interfund revenue estimates will be increased by \$306,200. Also, increases to certain funds will be made as follows:

| <u>Fund</u> | <u>Amount</u> |
|-------------|---------------|
| Water | \$ 55,200 |
| Refuse | 179,700 |
| Local Works | 71,300 |

These amounts will be appropriated to fund an increase in appropriations to various departments for motor vehicle chargebacks.

The Department of Environmental Services 2005-06 allocation for the purchase of gasoline and diesel fuel for use in City vehicles was based on an average cost of \$1.47 per gallon. As you are aware, fuel costs significantly increased in September 2005 due to the damage to the energy supply and transmission infrastructure caused by Hurricane Katrina. During the first two quarters of 2005-06, the average cost was \$1.95 per gallon. This budget amendment will provide \$755,400 for this unanticipated increase in the cost of fuel.

Expenditures for the maintenance and operation of City vehicles are managed by the DES Operations/ Division of Equipment Services. A system of chargebacks is used so Equipment Services can recoup the majority of the expenses for services it provides to other departments. The higher fuel costs will result in an estimated total increase in chargebacks in the amount of \$755,400. The increase in departmental allocations for fuel are:

| | |
|-------------|-----------|
| DES | \$686,000 |
| Library | 4,000 |
| Admin/Mayor | 1,000 |
| Finance | 400 |
| DPRHS | 44,200 |
| Police | 271,600 |

| | |
|------|--------|
| Fire | 53,600 |
| DCD | 300 |
| ECD | 500 |

Efforts are underway to identify opportunities to conserve fuel. For example, the contract for the purchase of marked police vehicles has been extended to maintain costs at the 2005 level. The resulting savings allowed the City to purchase, earlier than expected, more fuel efficient Chevrolet Impalas (approximately 26.2 miles per gallon) as replacements for the traditional Crown Victorias (approximately 16.2 miles per gallon).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-53
(Int. No. 76, As Amended)

Amending The 2005-06 Budget With Respect To Motor Vehicle Chargebacks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$[444,000] 449,200 from the Contingency Account, increasing the interfund revenue estimates by the sum of \$[311,400] 306,200, and increasing the revenue estimates and appropriations to the Water Fund by \$55,200, Refuse Fund by \$179,700, and the Local Works Fund by \$71,300, [Library Fund by \$4,000 and the Parking Fund by \$1,200,] which amounts are hereby appropriated to fund motor vehicle chargebacks for the following Departments:

| | |
|--------------------------------------|----------------------------|
| Environmental Services | \$[691,200] <u>686,000</u> |
| Library | 4,000 |
| Administration/Mayor | 1,000 |
| Finance | 400 |
| Parks, Recreation and Human Services | 44,200 |
| Police | 271,600 |
| Fire | 53,600 |
| Community Development | 300 |
| Emergency Communications | 500 |

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-54
Re: 14621 Community Technology Center

R2010: Campaign 2 - Educational Excellence
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement for \$40,000 with the Group 14621 Community Association to operate the 14621 Community Technology Center, and amending the 2005-06 Community Development Program Plan.

The amendment will transfer \$40,000 within the General Community Needs allocation from the Job Creation/Youth Development Account to a new account, Group 14621 Community Technology Center, to fund the agreement.

The 14621 Community Technology Center is in the fifth and final year of CDBG funding. It is considered a project with matching funds and was therefore eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The most recent agreement for these services was authorized in Ordinance No. 2005-80.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-19

Ordinance No. 2006-54
(Int. No. 59)

Authorizing An Amendatory 2005-06 Community Development Program Plan And An Agreement For The Group 14621 Community Technology Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby, within the General Community Needs allocation, the sum of \$40,000 shall be transferred from the Job Creation/Youth Development Account to a new account for the Group 14621 Community Technology Center.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Group 14621 Community Association for the 14621 Community Technology Center.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
March 14, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 60 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Emergency Training And Information Network

Int. No. 61 - Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2005-06 Budget

Int. No. 62 - Authorizing An Agreement For The Funding Of Automated External Defibrillators And Amending The 2005-06 Budget

Int. No. 72 - Authorizing An Agreement And Amending The 2005-06 Budget With Respect To Hurricane Katrina Mutual Aid

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-55
Re: Emergency Training and Information Network

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing amendatory agreements, related to the Emergency Training and Information Network (ETIN), with the following:

1. Home Performance Inc., 6200 County Line Road, Ontario, NY, to supply and install wall mounting brackets for LCD monitors; supply, deliver and install all enhanced cabling and connections at the Public Safety Training Facility (PSTF) for high performance client end servers (CES); supply, deliver and install all video equipment at the PSTF Emergency Operations Center. Total cost of this amended agreement is not to exceed \$25,000.
2. Triveni Digital Inc., 40 Washington Rd., Princeton Jct., NJ 08550, to develop, manufacture and deliver five high performance CES for the Public Safety Training Facility; cover VGA to DVI output in 102 CES; initialize, identify and install lockout toolkit software in all CES. Total cost of this amended agreement is not to exceed \$25,000.

These agreements will be funded by a Homeland Security Grant, authorized in Ordinance No. 2004-377. The last agreement with Home Performance Inc., was authorized in June 2005. This amendatory agreement brings the total cost for their services related to the ETIN to \$106,056. The original agreement with Triveni, authorized in July 2005, was for \$324,199; this amendment brings the total cost to \$349,199.

The network will provide secure, timely and continuous training and information to over 102 emergency responder agencies and hospitals. The network has the potential to link jurisdictions nationwide to a single point of distribution for Metropolitan Medical Response System training and information. Users will also have access to a library containing multi-disciplinary and agency specific training tools and information.

Respectfully submitted,

Robert J. Duffy,
Mayor

Ordinance No. 2006-55
(Int. No. 60)

**Establishing Maximum Compensation For
Amendatory Professional Services Agreements For
The Emergency Training And Information Net-
work**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement between the City and Home Per-
formance Incorporated for the installation of all equip-
ment necessary for participation in the Emergency
Training and Information Network. Said amount shall
be funded from the 2004-05 Budget of the Rochester
Fire Department.

Section 2. The sum of \$25,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement between the City and Triveni Dig-
ital Inc. to develop, manufacture and deliver digital
receivers and provide additional services for the Emer-
gency Training and Information Network. Said
amount shall be funded from the 2004-05 Budget of
the Rochester Fire Department.

Section 3. This ordinance shall take effect imme-
diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-56
Re: Motor Vehicle Theft and Insurance
Fraud Prevention Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation
authorizing an agreement with the New York State
Division of Criminal Justice Services, for acceptance
of a \$120,000 Motor Vehicle Theft and Insurance
Fraud Prevention Program (MVTIFP) grant; and
amending the 2005-06 Budget of the Police Depart-
ment by \$30,000, reflecting receipt of a portion of
the award. The remaining grant funds will be included
in the 2006-07 Budget request.

The MVTIFP grant program focuses on the reduc-
tion of auto theft and related insurance fraud through
enhanced preventive and enforcement efforts of the
Police Department. These efforts include officer de-
ployment in high theft areas and increased investiga-
tive efforts to arrest individuals who commit insur-
ance fraud. The grant also provides police officer
training in specialized anti-motor vehicle theft tech-
niques and technology use.

The City has received funding through this program
for several years; the most recent grant was autho-
rized by City Council in May 2005. During the last
grant period, there were over 400 investigations of
auto theft opened, resulting in over 40 arrests and re-
covery of vehicles with an estimated value of over

\$1,500,000. The proposed new round of funding cov-
ers the period from April 1, 2006 through March 31,
2007. No local match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-56
(Int. No. 61)

**Authorizing An Agreement For The Motor Ve-
hicle Theft And Insurance Fraud Prevention Pro-
gram And Amending The 2005-06 Budget**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Mayor is hereby authorized to en-
ter into an agreement with the New York State Divi-
sion of Criminal Justice Services for funding under
the Motor Vehicle Theft and Insurance Fraud Preven-
tion Program.

Section 2. The agreement shall contain such addi-
tional terms and conditions as the Mayor deems to be
appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06
Budget of the City of Rochester, as amended, is hereby
further amended by increasing the revenue estimates
and appropriations to the Rochester Police Depart-
ment by the sum of \$30,000, which amount is hereby
appropriated from funds to be received under the grant
agreement authorized herein.

Section 4. This ordinance shall take effect imme-
diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-57
Re: Excellus Blue Cross-Blue Shield -
Defibrillator Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation
authorizing an agreement with Excellus Blue Cross-
Blue Shield for acceptance of a \$6,176 grant to pur-
chase four automated external defibrillators (AED);
and amending the 2005-06 Cash Capital allocation of
the Police Department by \$6,200 to reflect receipt and
use of the grant.

The funds will be used to purchase four defibrillators
and their storage units for installation within the Po-
lice Department. Training in the use of AED's is in-
cluded in the in-service curriculum for sworn person-
nel. According to the American Heart Association,
sudden cardiac arrest kills approximately 400,000
Americans every year outside of the hospital. AED
use has been clinically demonstrated to reduce out-
of-hospital deaths from sudden cardiac arrest.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-57
(Int. No. 62)

Authorizing An Agreement For The Funding Of Automated External Defibrillators And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Excellus Blue Cross-Blue Shield for funding for the purchase of automated external defibrillators.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$6,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-58
Re: Budget Amendment Fire Department,
Emergency Communications Department,
and Undistributed

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing amendments to the 2005-06 Budget, and authorizing an agreement with the Federal Emergency Management Agency in order to account for costs and reimbursements for salary and travel of City personnel deployed to assist in Gulf Coast areas damaged by Hurricane Katrina.

The following amendments will be made to the 2005-06 Budget:

| <u>Budget</u> | <u>Amount</u> |
|--------------------------|------------------|
| Emergency Communications | |
| Department | \$ 69,000 |
| Fire Department | 109,000 |
| Undistributed | 13,000 |
| Total | <u>\$191,000</u> |

The State of Louisiana requested interstate mutual aid for additional emergency personnel to assist with response and clean-up efforts after the devastation caused by Hurricane Katrina. Two groups of four Emergency Communications personnel traveled to the region to assist with call-taking and dispatching in the region for a thirty-day period each. A total of twelve firefighters traveled to the region to assist with clean-up activities and community relations efforts.

The total cost of salaries, benefits, and travel in the amount of \$191,000 will be reimbursed to the City through the Federal Emergency Management Agency (FEMA).

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2006-58
(Int. No. 72)

Authorizing An Agreement And Amending The 2005-06 Budget With Respect To Hurricane Katrina Mutual Aid

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Federal Emergency Management Agency for reimbursement for mutual aid provided during the response to Hurricane Katrina.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Emergency Communications Department by the sum of \$69,000, to the Rochester Fire Department by the sum of \$109,500, and to Undistributed Expense by the sum of \$12,500, which amounts are hereby appropriated from Emergency Management reimbursements for mutual aid provided during the response to Hurricane Katrina.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
March 14, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 63 - Authorizing An Agreement For Operation Of The South Avenue Parking Garage

Int. No. 64 - Authorizing The Sale Of Chili Avenue Parcels

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-59
Re: South Avenue Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Convention Center Management Corporation for operation of the South Avenue Garage.

The Garage has space for approximately 1,650 vehicles. It is connected to the City's Skyway System and is the principal parking facility for the Rochester Riverside Convention Center, the Hyatt Regency Hotel, and downtown workers. It is currently operated by Central Parking System, whose agreement, authorized by City Council in March 2004, expires on March 31, 2006.

The City issued a Request for Proposal in January 2006 for the operation of the garage. Responses were received from the following organizations:

1. Central Parking System
2. Rochester Convention Center Management Corporation
3. Pro Park, LLC

Rochester Convention Center Management Corporation is being recommended. They have the ability to coordinate garage operations with downtown special events, and they have a strong record of quality service and management of the Rochester Riverside Convention Center.

Proposed revenue return to the City would be 15% of gross revenues after payment of New York State sales taxes. Revenue return is estimated at \$200,100.

The agreement will have a term of three years, beginning April 1, 2006, with provision for renewal upon mutual consent and satisfactory performance by Rochester Convention Center Management Corporation, for two one-year extensions. Rochester Convention Center Management Corporation will be responsible for all garage-related operating expenses (e.g., staffing, insurance, service agreements, taxes, utilities). Satisfactory performance will be determined by the City based on recommendations from the South Avenue Garage Performance Monitoring and Review Committee.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AF-20

Ordinance No. 2006-59
(Int. No. 63)

Authorizing An Agreement For Operation Of The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Convention Center Management Corporation for operation of the South Avenue Parking Garage. The Rochester Convention Center Management Corporation shall be responsible for all operating expenses of the garage. The agreement shall be for a term of three years, with option to renew for two additional one-year terms. Specific performance standards shall be included in the agreement.

Section 2. The agreement shall obligate the Rochester Convention Center Management Corporation to pay to the City 15% of the gross revenues after payment of New York State sales taxes.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-60
Re: Chili Avenue Development Project -
Property Sale

R2010: Campaign 4 - Environmental
Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the sale of city-owned property located at 1001, 1005, 1011, 1021 and 1025 Chili Avenue, to Leonard Frederico for \$1.00, for the purpose of clearing and redeveloping the property for industrial use. The purchase price was determined by an independent appraisal prepared by Bruckner, Tillett & Rossi.

Site

The property is a vacant brownfield site which has been underutilized and tax delinquent for many years. Because of its size, the condition of the existing buildings on the site, and concerns about environmental contamination, the site has been a priority for city brownfields efforts. There has been a history of property code violations at the site, including material storage issues and illegal dumping. The approach to the transfer and cleanup of the site is based on a model developed by an internal brownfields policy planning team.

Project

Phase I: Frederico, owner of Frederico Construction, a full-service site contractor serving local institutions and commercial clients, will clear the abandoned site, abate asbestos in the existing buildings, demolish the existing buildings and silos, regrade the entire site, install utilities to the site and build a new facility to accommodate his construction business. A second phase of the project will include construction of additional industrial/commercial property for lease.

Finance: The first phase of the project is estimated to cost \$1.45 million. Frederico has provided proof that it has the financial capacity through a combination of its own equity and bank financing to acquire the property and fund the new construction.

Phase II: The project plan includes a second phase of construction of additional industrial/commercial space for lease within a three-year period, at a cost to be determined.

Environmental

Frederico will purchase the land from the City "as is" and assume responsibility for site conditions. Environmental analysis of the site has been completed by Day Environmental through the Brownfields Assistance Program. The environmental management plan has been developed with consideration for the intended reuse. Since Frederico is a construction/demolition business, it is capable of site work necessary to

address environmental, demolition, and code problems.

Economic Benefits

It is anticipated that the proposed redevelopment will retain 30 full-time jobs and 10-20 peak season construction jobs at Frederico. It is also anticipated that 10 to 15 new jobs will be created.

Schedule

Site clearance and demolition activities will begin as soon as the property transfer is complete. The first phase will be completed within eighteen months, and the second phase within 36 months.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-21

Ordinance No. 2006-60
(Int. No. 64)

Authorizing The Sale Of Chili Avenue Parcels

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 1001, 1005, 1011, 1021 and 1025 Chili Avenue to Leonard Frederico for the sum of \$1.00.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:26 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
MARCH 23, 2006
4:30 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 7.

Absent - Councilmembers Conklin, Miller - 2.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-61 And

Ordinance No. 2006-62

Re: Thomas P. Ryan, Jr. Community Center

R2010: Campaign 9: Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding the proposed Thomas P. Ryan, Jr. Community Center. This legislation will:

1. Authorize an agreement with the Rochester City School District, to allow for the design services and construction management related to the Center. The total cost of these services will be \$2,615,000. The City's portion of these costs, \$587,600, will be funded from 2000-01 Cash Capital.
2. Establish a one time addition to the Rochester City School District's 2005-06 debt limit in the amount of \$2,027,400 and authorize the issuance of that amount in bonds on behalf of the District.

The project will provide, for the 35,000 residents of the Northeast Community, a modern, multiple-use facility that will incorporate library, recreation center and school facilities. The current Sully Branch Library of the Rochester Library System and the Webster Avenue Recreation Center will be replaced; the services of each will be incorporated into a single building that will also include gymnasium and classroom space for use of School #33. The new campus will include a community media center, public meeting spaces, and two gymnasiums, with spectator seating for varsity-level sports.

The projected cost of the project is \$26.5 million, of which the City has committed \$6.2 million. Funding for the City's portion of the project has been planned for in the 2006-07 Capital Improvement Program. In addition, through the efforts of Congresswoman Louise Slaughter, the FY 2006 Congressional Science, State, Justice Commerce Appropriations bill has earmarked \$100,000 for this project. Also, as part of the City's contribution, \$1.1 million will be raised from donations.

Design is anticipated to be complete in Spring 2007. Construction is anticipated to begin in Summer 2007 and completed in Summer 2008, with occupancy taking place in August 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-61
(Int. No. 80)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,027,400 Bonds Of Said City To Finance The Initial Cost Of Planning And Implementing The Design Of And The Construction Of Renovations To Audubon School No. 33 As Part Of The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Ad-

dition And Renovations Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the initial cost of planning and implementing the design of and the construction of and construction management services for renovations to James J. Audubon School No. 33 at 500 Webster Avenue as a part of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$2,615,000. The plan of financing includes the initial issuance of \$2,027,400 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$587,600 in current City funds, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,027,400 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,027,400. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds are authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.11(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals

thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-62
(Int. No. 81)

Authorizing An Agreement With The Rochester City School District For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project And Authorizing Exception To The City School District Debt Limit

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for design and construction management services for the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$587,600,

and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation. The agreement shall obligate the Rochester City School District to pay an amount not to exceed \$2,027,400, which amount shall be funded from a bond ordinance adopted for this purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The amount of the bonding for the Rochester City School District set forth in Section 2 is hereby approved as an exception to the 2005-06 Debt Limit of the Rochester City School District, which is the amount of the bonding of \$15,247,000 for school renovations approved in Ordinance No. 2006-14.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By President Giess
March 23, 2006

To the Council:

The Committee of the Whole recommends for adoption the following entitled legislation:

Int. No. 78 - Resolution Confirming The Appointment Of The Chief Of Police

Respectfully submitted,
Lois J. Giess
Gladys Santiago
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot
Adam C. McFadden
Dana K. Miller
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-20
Re: Chief of Police - Confirming
Appointment

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of David T. Moore as Chief of Police.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-20
(Int. No 78)

Resolution Confirming The Appointment Of The Chief Of Police

WHEREAS, the Mayor has appointed David T.

Moore to the position of Chief of Police, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of David T. Moore as Chief of Police.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 4:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING APRIL 4, 2006 5:00 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-63
Re: Agreement - 2006 Rochester MusicFest

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation related to the 2006 Rochester MusicFest. This legislation will:

1. Rescind Ordinance No. 2005-398, approved by Council in December 2005, which authorized an agreement for \$830,000 with Lead Dog Marketing of New York City for services related to the MusicFest.
2. Authorize an agreement with Monroe County Broadcasting Co., LTD (WDKX-104 FM) to provide talent booking, logistical management, ticket operations, marketing, assistance with sponsorship solicitation and festival development, for a maximum cost of \$721,750 plus 15% of any new sponsorship income and 2% of renewal sponsorship income secured by WDKX. The cost of the agreement will be financed from the 2005-06 and 2006-07 budgets of the Department of Parks, Recreation and Human Services and revenues from the Rochester MusicFest.

After careful consideration, the City has decided to

bring the festival downtown where it originated, and to contract with a local business, WDKX, for the production and marketing of the event, which will be held at Frontier Field on July 8 and 9, 2006. The City will maintain primary responsibility for the coordination of sponsorships and volunteers for MusicFest.

WDKX is in a unique position to provide talent for the MusicFest; their long-standing relationships with record companies and artist management firms allows them to provide an economical and successful lineup of talent. WDKX is committed to including local and regional talent, and can also provide entree to local, regional and national sponsors for this event.

At the suggestion of the City, WDKX will work with Frontier Field, which offers several production savings through on-site dressing rooms, fencing, tents, etc. They will work with the Red Wings at Frontier Field to secure food and merchandise vendors and with the High Falls District to explore opportunities to enhance the total MusicFest experience. All marketing and advertising, including the Rochester MusicFest Website, will be coordinated by WDKX.

The Rochester MusicFest has been an anchor of the Rochester's summer festival season since 1995. The 2005 MusicFest, held at Genesee Valley Park July 16 and 17, drew more than 8,000 attendees.

With the support of sponsors and the City, the MusicFest has been able to maintain low ticket prices - typically less than half of the cost of a traditional concert - while providing more music. Following is a summary of revenue and expenses:

| | <u>2005</u> | <u>2006</u> |
|------------------------|----------------|----------------|
| <u>Revenue</u> | | |
| City | \$200,000 | \$200,000 |
| Corporate Supporters | 49,900 | 75,000 |
| Ticket Sales | 294,548 | 321,750 |
| Concessions | 35,179 | 15,000 |
| Trust Fund | <u>248,406</u> | <u>110,000</u> |
| Total | \$828,033 | \$721,750 |
| <u>Expenses</u> | | |
| Music Production | \$441,888 | \$458,750 |
| Site | 273,394 | 101,500 |
| Concessions | 9,537 | 0 |
| Finance/Administration | 31,046 | 38,000 |
| Marketing/PR | <u>72,168</u> | <u>123,500</u> |
| Total | \$828,033 | \$721,750 |

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 63
(Int. No. 99, As Amended)

Establishing Maximum Compensation For An Agreement For The 2006 MusicFest And Repealing Ordinance No. 2005-398

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$721,750, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Monroe County Broadcasting Co., Ltd., to provide talent booking, logistical management, ticket operations, marketing, sponsorship solicitation and festival development for the 2006 Rochester MusicFest. Of said amount, \$551,750

shall be funded from the 2005-06 and \$60,000 from the 2006-07 Budgets of the Department of Parks, Recreation and Human Services, contingent upon adoption of said latter budget, and \$110,000 is hereby appropriated from the MusicFest Trust Fund. Monroe County Broadcasting Co. shall also be allowed to retain 15% of new sponsorship income and 2% of renewal sponsorship income, which amounts are hereby appropriated from anticipated revenue from the MusicFest Trust Fund. Within 90 days of the close of the MusicFest, a report shall be provided to the City Council itemizing the expenditures and revenues for the event. Said report shall include an accounting of all staff support and other in-kind services provided by any City department to the MusicFest.

Section 2. Ordinance No. 2005-398, relating to the 2006 Rochester MusicFest, is hereby repealed.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

The meeting was adjourned at 5:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
APRIL 11, 2006**

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Department of Finance

John Bauerschmidt

Fire Department

Lt. Carl Bellucci

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of March 14, 2006 and the Special Meeting of March 23, 2006 and the Special Meeting of April 4, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3834-7

Quarterly Reports
Professional Services Agreements With Costs
of \$10,000 or Less; and Delinquent Re-
ceivables 3835-7
Schedule of Revenues and Expenditures
3836-7

The Director of Zoning Submits Notices of Envi-
ronmental Determination
Manhattan Square Park - Renovation Project
3837-7

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

Ban Animal Entertainment Petition No. 1617

RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on
the following matter:

Authorizing Amendatory 2005-06 City Develop-
ment Fund Plans And Agreements For Float Loans
For Loss Reserve Accounts For The HUD Asset Con-
trol Area Partnership Program And Amending Ordi-
nances No. 2006-19 And 2005-344 Int. No. 85
No Speakers

Local Improvement Ordinance - Care And Em-
bellishment Of Various Neighborhood Streets Malls
For 2006-07 Int. No. 86 No Speakers.

Local Improvement Ordinance - Establishing The
Operating And Maintenance Costs Of Special Assess-
ment Districts For Streetscape Enhancements Int.
No. 87 No Speakers.

Local Improvement Ordinance - Establishing The
Cost Of The Special Work And Services Related To
The Merchants/Winton Road Open Space District
Int. No. 91 No Speakers.

Approving The Norton Street Improvement Project
Between Portland Avenue And The East City Line
And Changes In Pavement Width Of Norton Street
Int. No. 92 No Speakers.

Amending The 2004-05 Community Development
Program By Transferring Funds For Project Safe Place
And Job Creation/Youth Development And Amend-
ing Ordinance No. 2004-245 Int. No. 100 No
Speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
April 11, 2006

To the Council:

The Housing & Community Development Commit-
tee recommends for adoption the following entitled
legislation:

Int. No. 82 - Authorizing The Sale Of Real Estate

Int. No. 83 - Acceptance Of Library Grant And
Amending The 2005-06 Budget

Int. No. 84 - Appropriation Of Funds - Homebuyer
Assistance Program

Int. No. 104 - Approving A Property Tax Exemp-
tion And Authorizing An In Lieu Of Tax Agreement
For The St. Michael's II Apartments Project And Au-
thorizing A Loan Agreement, As Amended

Int. No. 107 - Amending The 2005-06 Budget With
Respect To Demolitions And Tax Relief And Amend-
ing Ordinance No. 2005-187

The Housing & Community Development Commit-
tee recommends for consideration the following en-
titled legislation:

Int. No. 85 - Authorizing Amendatory 2005-06 City
Development Fund Plans And Agreements For Float
Loans For Loss Reserve Accounts For The HUD As-
set Control Area Partnership Program And Amend-
ing Ordinances No. 2006-19 And 2005-344

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Gladys Santiago
HOUSING & COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-64
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
approving the sale of one property. Staff has audited
City records to ensure that purchasers do not own other
properties with code violations or delinquent taxes.
The records of the Division of Code Enforcement were
also audited to ensure that purchasers have not been
in contempt of court or fined as a result of an appear-
ance ticket during the past five years.

The property is a vacant lot located at 98 Thorndale
Terrace that was sold at public auction to the owners
of the adjacent property. The purchasers will con-
struct a driveway and fence and provide landscaping.

All City taxes and other charges, except water charges,
will be canceled on the first day of the month follow-
ing adoption of this ordinance because the City has
agreed to convey the properties free of City tax liens
and other charges.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-25

Ordinance No. 2006-64
(Int. No. 82)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Council hereby approves the sale
of the following parcel of vacant land with proposal
by regular auction:

Address: 98 Thorndale Terrace
 S.B.L.#: 120.49-1-70
 Lot Size: 40x141
 Price: \$50
 Purchaser: Malinda & Thomas E. Hill

Section 2. City taxes and other City charges, except water charges, against said property are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said property free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-65
 Re: Budget Amendment - Rundel Library
 Foundation/Maplewood Branch
 Children and Teen Center Renovation

R2010: Campaign 7 - Quality Service
 Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation amending 2005-06 Cash Capital by \$40,000 to reflect the receipt and use of a Rundel Library Foundation Grant to support renovations at the Maplewood Branch Library to include a Children and Teen Center.

The Center will augment the Library's Safe To Be Smart program for youth, which provides after school youth and library services for 50 - 70 young people daily at the Maplewood site.

The funds will be used to redesign the interior of the library to separate the Children and Teen Center from the Adult section, providing needed space and facilities geared toward youth. Purchases will include shelving, furniture and computers.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2006-65
 (Int. No. 83)

Acceptance Of Library Grant And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of Rundel Library Foundation Grant funds for improvements to the Maplewood Branch Library.

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$40,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-66
 Re: Homebuyer Assistance Program

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$100,000 from the 2005-06 HOME Program to finance the continuation of the Homebuyer Assistance Program and authorizing any necessary agreements for program implementation.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to families with low or moderate incomes who purchase houses through the City's Housing Initiative, as described in the Consolidated Community Development Program. The financial assistance may be used for closing costs and/or a down payment.

A recipient of assistance is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note is satisfied.

Since the inception of the program in 1993, \$3,265,341 has been disbursed to 588 homebuyers. The total unexpended balance of prior appropriations is \$146,750; of this amount, \$27,397 is limited to households whose income is between 80% and 100% of median Family Income (MFI) for the Metropolitan Statistical Area and \$81,362 is committed to households with incomes under 80% MFI.

The most recent HOME appropriation for the continuation of the program was in August 2005 for \$300,000 for buyers with incomes under 80% of MFI.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2006-66
 (Int. No. 84)

Appropriation Of Funds - Homebuyer Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated from 2005 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-67
Re: St. Michael's II Senior Apartments -
PILOT

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the St. Michael's II Senior Apartments affordable housing development project. This legislation will:

1. Appropriate \$500,000 from the Rental Allocation of the 2005 HOME Program to partially finance the cost of the project;
2. Authorize an agreement with St. Michael's II Senior Housing Development Fund Corporation for use of these funds; and
3. Authorize the exemption of the project from property taxes and an agreement for payment in lieu of taxes with St. Michael's II Senior Housing Development Fund Corporation.

The project involves the construction of 32 affordable apartments at 108 Evergreen Street for elderly residents. It will particularly serve the housing needs of elderly Latinos. Principals of the Development Fund Corporation include ISLA Housing Development Fund Corporation (Sonia Nunez, Executive Director), and Conifer Realty, LLC (Richard Crossed, Chairman; Timothy Fournier, President; C. Terence Butwid, Executive Vice President).

The overall estimated cost of construction is \$5,025,373. The budget is as follows:

| | |
|---------------------------|-------------|
| Costs: | |
| Acquisition | \$ 45,000 |
| Soft Costs | 313,500 |
| Construction | 3,586,845 |
| Construction Contingency | 97,823 |
| Carry and Finance Charges | 219,969 |
| Developer Fee | 619,178 |
| Working Capital | 95,438 |
| Operating Reserve | 47,620 |
| Total | \$5,025,373 |

| | |
|-------------------------------|-------------|
| Sources: | |
| HOME Program (proposed) | \$ 500,000 |
| Housing Trust Fund (NY State) | 736,000 |
| LIHTC/Equity | 3,439,373 |
| Rochester Equity Fund | 100,000 |
| Conventional Mortgage | 250,000 |
| Total | \$5,025,373 |

The HOME funds would be initially provided as a construction loan with a 0% interest rate and, upon completion of construction, would be converted to a 30-year loan at the applicable federal interest rate. The St. Michael's II Senior HDFC would make annual payments of 1% interest, with payment of the principal and accumulated interest deferred until year 30.

The tax agreement will provide St. Michael's II Senior HDFC a 30-year tax exemption in consideration for an annual in-lieu-of tax payment equal to 10% of shelter rents (gross rents less utility costs).

Construction is expected to begin in Spring 2006 and be completed by Spring 2007.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2006-67
(Int. No. 104, As Amended)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of Tax Agreement For The St. Michael's II Apartments Project And Authorizing A Loan Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the parcel at 108 Evergreen Street, SBL #106.30-03-066.005, to be owned by the St. Michael's II Senior Housing Development Fund Corporation, and to be used for housing as the St. Michael's II Apartments Project. The tax exemption shall take effect upon the acquisition of the title by the St. Michael's II Senior Housing Development Fund Corporation.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 30 years with the St. Michael's II Senior Housing Development Fund Corporation whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The Mayor is hereby authorized to enter into a loan agreement with St. Michael's II Senior Housing Development Fund Corporation whereby the City shall provide an amount not to exceed \$500,000 as a construction loan at 0% interest to partially finance the costs of the construction of rental units as a part of the St. Michael's II Apartments Project. Upon completion of construction, the funding may be converted to a 30-year loan at the applicable Federal interest rate. Annual interest payments of 1% shall be made during the term of the loan agreement, with the balance of the interest and principal due at the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2005 HOME Program funds.

Section 5. The Mayor is further authorized to enter into such agreements as may be necessary to implement the St. Michael's II Apartments Project.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-68
Re: Budget Amendment - Demolitions
and Tax Relief

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the 2005-06 Budget by appropriating \$4 million of one-time state aid to increase Cash Capital by \$2 million to fund additional demolitions of City-owned vacant structures, and the Undistributed Budget by \$2 million for the tax relief fund to assist in closing the remaining projected 2006-07 budget gap. This legislation will also amend Ordinance No. 2005-187 to allow remaining funds specified for demolition of privately-owned fire-damaged properties to also be used for the demolition of City-owned vacant properties.

New York State appropriated one time additional "spin-up" state aid for the City of Rochester in the Summer of 2005 after the adoption of the 2005-06 City Budget. At the request of City Council, these funds were left unappropriated for the new Administration to consider. This proposed legislation would use those funds for two high priorities: demolition of vacant City-owned structures; and to assist in closing the remaining projected 2006-07 budget gap.

Demolition of City-Owned Vacant Buildings

Abandoned vacant buildings in the City have a significant negative effect on the community and there are currently approximately 450 City-owned vacant buildings identified for demolition. The \$2 million, combined with \$3.4 million to be included in the 2006-07 Proposed Budget, will fund the demolition of approximately 318 vacant City-owned buildings.

The reallocation of remaining funds originally allocated for the demolition of private homes damaged by fire will fund the demolition of an additional 24 structures for a total of 342 vacant buildings to be demolished within the next eighteen months.

With input from an inter-departmental Vacant Property Task Force, the Administration is evaluating approaches to bidding demolitions that could provide significant savings and efficiency. The goal is to optimize the number of demolitions that can be achieved with the funds available and to focus demolitions systematically, as in the current effort surrounding PacTec Park.

Tax Relief Fund

The proposed allocation to the tax relief fund is intended to assist in the plan to balance the forthcoming Proposed 2006-07 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-68
(Int. No. 107)

Amending The 2005-06 Budget With Respect To Demolitions And Tax Relief And Amending Ordinance No. 2005-187

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$2,000,000 to fund the demolition of vacant structures, and to Undistributed Expense by the sum of \$2,000,000 for the tax relief fund, which amounts are hereby appropriated from State Aid.

Section 2. Ordinance No. 2005-187, relating to funding for the demolition of privately owned vacant structures, is hereby amended by authorizing the funding provided therein to be used for the demolition of both City owned and privately owned vacant structures.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-69
Re: Asset Control Area Program (ACAP) -
Phase 3 Financing/Loan Loss Reserve

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation regarding the financing of Phase III of the City's participation in HUD's Asset Control Area Program (ACAP). This legislation will:

1. Amend the 2005-06 City Development Fund, a component of the 2005-06 Community Development Plan, by \$237,000 to establish a loan loss reserve account for Phase III;
2. Amend Ordinance No. 2006-19 by reducing the loan loss reserve account for Phase II from \$475,000 to \$238,000; and
3. Amend Ordinance No. 2005-344 by extending the term of the City's participation in Asset Control Area Agreement to December 2007.

Ordinance No. 2005-344 authorized a 12 month extension for ACAP, resulting in an expiration date of December 2006. HUD subsequently updated the agreement with a 24 month extension. This amendment will align the dates with the current agreement between the City and HUD.

The HUD agreement permits the City to purchase HUD-foreclosed single family houses for renovation and resale through the HOME Rochester program. The houses are transferred to the Rochester Housing Development Fund Corporation (RHDFC), which engages non-profit developers to renovate and sell the properties. RHDFC has processed 267 properties under Phases I and II.

In February 2006, Council approved a \$2 million float loan toward the overall \$16 million capitalization of Phase III. A loan loss reserve fund was previously funded at \$475,000 for Phase II; that amount will be reduced to \$238,000, with the remaining \$237,000 providing the funds for Phase III. The loan agreement will be with the RHDFC and/or JPMorgan Chase Bank, N.A. The final part of the financing package, the interest reserve fund, will be funded by the United Way of Greater Rochester at \$250,000 for Phase III.

The loan loss reserve would be made available at no interest for a term of 30 months.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-69
(Int. No. 85)

Authorizing Amendatory 2005-06 City Development Fund Plans And Agreements For Float Loans For Loss Reserve Accounts For The HUD Asset Control Area Partnership Program And Amending Ordinances No. 2006-19 And 2005-344

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2005-06 City Development Fund Plan, a component of the 2005-06 Community Development Plan, whereby the sum of \$237,000 shall be added in a new account for a float loan to fund a loss reserve account for the capital loan pool for phase three of the HUD Asset Control Area (ACA) Partnership Program, and whereby the float loan to fund a loss reserve account for the capital loan pool for phase two approved in Ordinance No. 2006-19 is reduced from \$475,000 to \$238,000.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation and necessary parties to provide a new float loan to fund a loss reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City for resale as a part of the HUD Asset Control Area (ACA) Partnership Program. The float loan shall be for a term not to exceed 30 months, without interest.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$237,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the 2005-06 City Development Fund.

Section 4. Ordinance No. 2006-19, relating to float loans for the HUD Asset Control Area (ACA) Partnership Program, is hereby amended by reducing the amount of the float loan authorized and appropriated therein from the 2005-06 City Development Fund to fund a loss reserve account for the capital loan pool to be utilized by the Rochester Housing Development Fund Corporation as a part of the HUD Asset Control Area (ACA) Partnership Program from \$475,000 to \$238,000. The Mayor is further authorized to enter into necessary agreements to implement this change.

Section 5. Ordinance No. 2005-344, relating to extension of the HUD Asset Control Area (ACA) Partnership Program, is hereby amended by authorizing the extension to be for twenty-four months instead of twelve months.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
April 11, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 88 - Amending The Municipal Code With Respect To Immediate Environmental Hazards

Int. No. 89 - Authorizing An Agreement For Funding For The Rochester Public Market And Amending The 2005-06 Budget

Int. No. 90 - Amending The 2005-06 Budget

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 86 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Streets Malls For 2006-07

Int. No. 87 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 91 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 92 - Approving The Norton Street Improvement Project Between Portland Avenue And The East City Line And Changes In Pavement Width Of Norton Street

Int. No. 93 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Norton Street Improvement Project, As Amended

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-70
Re: City Code Amendment - Chapter 59

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapter 59, Article 111 of the Code of the City of Rochester in order to provide an improved mechanism for immediate abatement of environmental hazards located on private properties within the City.

Currently Chapter 59 authorizes the Chief of Police to abate such hazards, when the property owner has

been notified. However, actual practice seldom involves the Chief of Police nor does it involve notification to the property owner. Often, 911 is notified of environmental nuisances and abandoned hazardous materials, and 911 then notifies the Monroe County Health Department and the City Fire Department. After inspection, the Monroe County Department of Health typically contacts the Department of Environmental Services (DES) and requests assistance with immediate abatement and removal of hazardous materials. On some occasions DES is contacted directly by NET to respond to such hazardous nuisance conditions.

The amendment would authorize the Commissioner of DES to abate an immediate hazard without notice to the property owner, and to bill the cost of the abatement to the property owner and to add any unpaid bills to property taxes. The amendment will also include language in the Code defining "immediate hazard".

Typically, these environmental nuisances are abandoned drums of waste oil or gasoline, automobile fuel tanks, compressed gas cylinders, or containers of flammable solvent waste and other toxic substances. Such nuisances require immediate abatement to prevent potential for spillage, soil and water contamination, explosion, fire, or other community health and safety exposures.

From July 1, 2002 through June 30, 2005, DES responded to 57 of these requests at a cost of \$18,948.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-70
(Int. No. 88)

Amending The Municipal Code With Respect To Immediate Environmental Hazards

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 59 of the Municipal Code, Health and Sanitation, as amended, is hereby further amended as follows:

- a. Section 59-23, Definition, is hereby amended by changing the title to Definitions and by adding thereto the following new definitions where they should appear in alphabetical order:

COMMISSIONER - The Commissioner of Environmental Services or his or her designee.

IMMEDIATE ENVIRONMENTAL HAZARD - A nuisance condition deemed by the Manager of the Division of Environmental Quality of the Department of Environmental Services to be dangerous to life or health unless immediately removed or otherwise abated. Such determination may be made where there is an imminent danger from known substances, waste or materials or where the condition of the storage containers, the method of storage, the danger of the location or any other potentially dangerous conditions related to unknown substances, waste or materials creates a reasonable expectation of imminent danger.

- b. Section 59-24 is hereby amended in its entirety

to read as follows:

§ 59-24. Nuisances and immediate environmental hazards forbidden.

No person, firm or corporation shall cause or suffer to cause the creation, existence or continuance of any nuisance or immediate environmental hazard as herein defined.

- c. Section 59-25, Abatement of nuisances, is hereby amended by adding the words "Fire Chief or Commissioner" after the words "Police Chief" in each place they appear in said section.
- d. Section 59-26 is hereby amended in its entirety to read as follows:

§ 59-26. Summary abatement.

- A. Whenever any nuisance which is an immediate danger to life or health shall be found on any premises within the City, the Chief of Police, Fire Chief or Commissioner is hereby authorized to cause the same to be summarily abated in such manner as he or she may direct. Abatement of immediate nuisances will be performed without prior notice to the owner.
- B. Upon a determination of immediate environmental hazard, it shall be the duty of the Chief of Police, the Fire Chief or the Commissioner to remove or otherwise abate an immediate environmental hazard caused or permitted to be caused by the owner, tenant or agent, of any property in or upon which an immediate environmental hazard is found. Abatement of immediate environmental hazards will be performed without prior notice to the owner.
- C. The costs of abatement of an immediate nuisance or an immediate environmental hazard shall be at the property owner's expense. Such costs shall be billed to the property owner in accordance with §6-92 of the City Charter and, if not paid, shall be subject to late payment charges and added to taxes for the subject property in accordance with §6-93 and §6-94 of the Charter. If the property owner challenges his or her responsibility for the costs, the burden shall be upon the property owner to prove that the immediate nuisance or immediate environmental hazard was not caused or permitted by the property owner, or the owner's tenant or agent, and that the property owner made every reasonable effort to prevent the immediate nuisance or immediate environmental hazard from occurring on the property.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-71
Re: Rochester Public Market - Selling
Shed Restoration

R2010: Campaign 6 - Healthy Urban
Neighborhoods
Campaign 9 - Economic Viability

Transmitted herewith for your approval is legislation authorizing an agreement with the NY State Department of Agriculture and Markets, and amending the Cash Capital allocation of the 2005-06 Budget of the Department of Parks, Recreation and Human Services to reflect the receipt and use of a grant of up to \$39,944.

The funds will be used for improvements to the selling shed at the Rochester Public Market. The project includes rust-coating and painting / restoration of the entire metal superstructure of the market's selling sheds. It also includes the treatment and painting of the metal roof on the C-shed. Both of these projects will ensure the structural integrity of these selling enclosures, and also provide aesthetic improvements.

The required matching funds will be financed from the 2003-04, 2004-05, and 2005-06 Cash Capital budgets of DPRHS.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-71
(Int. No. 89)

**Authorizing An Agreement For Funding For
The Rochester Public Market And Amending The
2005-06 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Agriculture and Markets for funding for improvements to the selling shed superstructure at the Rochester Public Market.

Section 2. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$39,900, which amount is hereby appropriated from the grant agreement authorized herein to fund improvements to the selling shed superstructure at the Rochester Public Market.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-72
Re: Budget Amendment - Port of
Rochester Terminal Building

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2005-06 Budget of the Department of Environmental Services and the 2005-06 Cash Capital account. This legislation will transfer \$631,900

from Contingency to the Department of Environmental Services Budget and \$14,000 to the 2005-06 Undistributed Budget to fund City expenses for the terminal building. This legislation will also transfer \$20,000 from Contingency to the 2005-06 Cash Capital account to fund the placement of bollards on driveways of city-owned vacant lots.

Terminal Building Expenses

When the City assumed responsibility for maintenance of the terminal building In February 2005, funds were redistributed in order to pay for security and maintenance. The estimated incremental cost for these services for 2005-06 is \$645,900. These expenses are categorized below:

| <u>Function</u> | <u>Amount</u> |
|-----------------------------|---------------|
| Utilities | \$241,000 |
| Security personnel | 179,800 |
| Maintenance personnel | 97,700 |
| Service contracts | 86,900 |
| Materials | 26,500 |
| Undistributed benefit costs | 14,000 |
| Total | \$645,900 |

Vacant Lots

Mayor Johnson established a team of City staff to evaluate opportunities to improve city-owned vacant lots. The team recently presented their recommendations to City Senior Management. One recommendation that deserved immediate attention was to fund the placement of bollards on driveways of city-owned vacant structures to prevent illegal dumping. The proposed transfer of \$20,000 from Contingency will enable this to begin immediately.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-72
(Int. No. 90)

Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$631,900 from the Contingency Account to the Department of Environmental Services and the sum of \$14,000 from the Contingency Account to Undistributed Expense to fund expenses of the Ferry terminal, and sum of \$20,000 from the Contingency Account to the Cash Capital allocation to fund the placement of bollards on driveways of City-owned vacant lots.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1555
Re: Care and Embellishment of Malls

R2010: Campaign 1 - Involved Citizens
 Campaign 3 - Environmental
 Stewardship

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2006-07 and appropriating the associated costs of \$80,684 among the benefitted properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Parks, Recreation and Human Services or street or neighborhood associations. Minimum standards of maintenance are established by the department, and the appropriate street associations are asked whether they wish to assume responsibility for this maintenance.

If an association accepts responsibility, it may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by the department.

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2005-06, 12 malls were maintained by the department and 12 malls were maintained by street or neighborhood associations. The total authorized costs were \$32,200 and \$44,325 respectively.

In 2006-07 the department will be responsible for the maintenance of 12 malls at a total cost of \$33,328. Street associations will be responsible for the maintenance of 12 malls at a total cost of \$47,356.

A public hearing is required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AF-26

Local Improvement Ordinance No. 1555
 (Int. No. 86)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2006-07

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. It is hereby determined that the following improvements and work are necessary, required and shall be made:

- a. The care and embellishment of the following streets hereinafter referred to as "Group I" during 2006-07:

| | |
|----------------------|-------------|
| Boulevard Parkway | \$ 1,947.00 |
| Burke Terrace | 431.00 |
| Carthage Drive | 539.00 |
| Central Park | 4,873.00 |
| Elmwood Mall | 3,030.00 |
| Glendale Park | 1,623.00 |
| Knickerbocker Avenue | 1,623.00 |
| Nye Park | 1,732.00 |

| | |
|----------------|--------------------|
| Raines Park | 1,082.00 |
| Seneca Parkway | 11,687.00 |
| Sumner Park | 2,814.00 |
| Werner Park | 1,947.00 |
| | <u>\$33,328.00</u> |

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2006-07:

| | |
|--------------------|--------------------|
| Arnold Park | \$ 3,140.00 |
| Hazelwood Terrace | 1,770.00 |
| Highland Parkway | 2,250.00 |
| Hillside Avenue | 2,357.00 |
| Huntington Park | 3,559.00 |
| Lafayette Park | 4,983.00 |
| Lakeview Park | 9,720.00 |
| Nunda Boulevard | 2,910.00 |
| Oxford Street | 9,955.00 |
| Portsmouth Terrace | 3,000.00 |
| Rundel Park | 712.00 |
| Sibley Place | 3,000.00 |
| | <u>\$47,356.00</u> |

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2006.

Section 4. The total cost of such improvements and work, estimated at \$80,684.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Bureau of Parks and Recreation.

Section 6. It is hereby determined that it is impracticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1556
 Special Assessment Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing the 2006-07 budgets for the following special assessment districts:

| <u>District</u> | <u>2006-07</u> | <u>2005-06</u> | <u>Variance</u> |
|-----------------------------|----------------|----------------|-----------------|
| Norton Street Urban Renewal | | | |
| \$2,815 | \$2,815 | \$ 0 | |
| Cascade Historic | | | |
| 3,000 | 2,500 | 500 | |

Norton Street

The Norton Street district was established by Council in 1998 to finance the annual cost of maintenance of the enhancements that were included in the Norton Street Urban Renewal Project (14621 Industrial Park). These enhancements included special sidewalks, signage, and landscaping.

The district includes nine properties. The cost of maintenance is apportioned among these properties based on the front footage of the properties.

Cascade

The Cascade district was established by Council in 1999 to finance the annual costs of maintenance of the special landscaping that was included in the Cascade Historic District Improvement Project. This landscaping included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were added.

The district includes 29 properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

The assessment was raised this year due to increasing costs of landscape maintenance and to build a surplus in the account to fund upcoming maintenance for the benches.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-27

Local Improvement Ordinance No. 1556
(Int. No. 87)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2006-07:

| <u>Streetscape District</u> | <u>New Amount</u> | <u>LIO</u> |
|-----------------------------|-------------------|------------|
| Cascade Historic | \$3,000 | 1430 |
| Norton Street Urban Renewal | 2,815 | 1421 |

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1557
Re: Merchants/Winton Road Open Space District

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the annual maintenance budget for the Merchants/Winton Road Open Space District and apportioning this cost among the properties included in the district.

The district, established in 1996, is approximately 1.5 acres of open space on Merchants Road, and includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The space consists of one parcel that was owned by the City prior to establishment of the district and one parcel that was acquired by the City in 1996 at a cost of \$21,000. That cost is being amortized over 10 years at a rate of 5%, or at about \$2,720 per year.

The budget for maintenance of the land is established annually. As a wooded area, it requires a minimum of maintenance and, for 2006-07, the budget will remain at \$500.

The total charges will be apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. There are two groups of properties:

1. Inner Properties: Those within the triangular area identified on the attached map;
2. Outer Properties: Those across the street from the triangular area.

The charges for Inner Properties will be based upon total assessed values, and charges for Outer Properties will be based upon two-thirds of their assessed values.

If the proposed maintenance budget is approved, the charges for the individual properties within the district will be prepared and submitted to the Council for consideration. The property owners will be provided with an opportunity to review these assessments and to comment upon them at a public meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-28

Local Improvement Ordinance No. 1557
(Int. No. 91)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The maintenance cost of the special work and services for the 2006-07 fiscal year for the Merchants/Winton Road Open Space District is established as \$500, which, with the previously approved capital costs of \$2,719.60 establishes a total assessment of \$3,219.60, and said total amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1395.

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-73 And
Ordinance No. 2006-74
Re: Norton Street Improvement Project
(Portland Avenue-East City Line)

R2010: Campaign 1 - Involved Citizens
Campaign 5 - Regional
Partnerships
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation related to the Norton Street (Portland Avenue to East City Line) Public Improvement Project. This legislation will:

1. Approve the Norton Street Improvement Project Engineering Planning Report;
2. Authorize geometric changes on Norton Street as recommended in the report as follows:

A decrease of 6' along the south side of Norton Street, from 50 feet to 44 feet, from Portland Avenue to 180 feet east of Portland Avenue; and

A narrowing along the south side of Norton Street from an existing variable width of 50 feet to 36 feet to a variable width of 44 feet to 36 feet beginning from the latter point to 305 feet east of Portland Avenue, and;

A decrease of 8 feet on Norton Street, from 36 feet to 28 feet, from 113 feet west of Clark Avenue to 59 feet west of Clark Avenue; and

An increase of 8 feet along the north side of Norton Street, from 36 feet to 44 feet, from 173 feet west of Culver Road to 87 feet west of Culver Road.

3. Appropriate \$192,000 of anticipated reimbursements from Monroe County for a portion of the County's share in the project costs; and
4. Authorize an agreement with Stantec Consulting Group of Henrietta, NY, for design of the Norton Street Public Improvement Project. The maximum cost of the agreement will be \$290,000 and will be financed as follows: \$192,000 appropriated above and \$98,000 from 2004-05 Cash Capital.

Stantec Consulting Group Inc. performed the planning and preliminary engineering for the project, as authorized by City Council in December 2004. The Project is part of the County-assisted Arterial Improvement Program and requires Council approval of the

engineering plan, which is on file for review in the Office of the City Clerk.

The plan recommends reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water mains on side streets; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; topsoil and tree plantings; and the geometric changes.

The proposed change to Norton Street near Portland Avenue will remove the eastbound curbside lane. The eastbound curbside lane west of Portland Avenue will be changed to a right turn only lane.

Changes near Clark Avenue will accommodate a pedestrian crossing, and the widening near Culver Road is for recessed parking. These changes will be presented to the Traffic Control Board on March 21, 2006.

The proposed design services cost and the estimated cost of construction, including inspection and contingencies, is \$4,998,000, which is expected to be financed as follows:

| Category | Design | Construction | Total |
|---------------|-----------|--------------|-------------|
| Monroe County | \$192,000 | \$3,108,000 | \$3,300,000 |
| City Bonds | | | |
| Street | -0- | 1,160,000 | 1,160,000 |
| Water | -0- | 440,000 | 440,000 |
| City Cash | | | |
| Street | 68,600 | -0- | 68,600 |
| Water | 29,400 | -0- | 29,400 |
| Total | \$290,000 | \$4,708,000 | \$4,998,000 |

Stantec Consulting Group is being recommended for design of the project because of its qualifications and familiarity with the project. Design of the project is scheduled to be completed in the fall of 2006. Construction is expected to begin in the spring of 2007, and be completed in the spring of 2008.

The minutes from the February 9, 2006 public information meeting are attached.

A public hearing on the street changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-29

Ordinance No. 2006-73
(Int. No. 92)

Approving The Norton Street Improvement Project Between Portland Avenue And The East City Line And Changes In Pavement Width Of Norton Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the engineering planning report for the Norton Street Improvement Project between Portland Avenue and the East City Line.

Section 2. The Council hereby approves the following changes in the pavement width of Norton Street as a part of the Norton Street Improvement

Project:

A decrease of 6 feet along the south side of Norton Street, from 50 feet to 44 feet, from Portland Avenue to 180 feet east of Portland Avenue; and

A narrowing along the south side of Norton Street from an existing variable width of 50 feet to 36 feet to a variable width of 44 feet to 36 feet beginning from the latter point to 305 feet east of Portland Avenue; and

A decrease of 8 feet on Norton Street, from 36 feet to 28 feet, from 113 feet west of Clark Avenue to 59 feet west of Clark Avenue; and

An increase of 8 feet along the north side of Norton Street, from 36 feet to 44 feet, from 173 feet west of Culver Road to 87 feet west of Culver Road.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-74
(Int. No. 93, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Norton Street Improvement Project And Amending Ordinance No. 2005-95

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$290,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group for design services related to the Norton Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$98,000 shall be funded from the 2004-05 Cash Capital Allocation and \$192,000 is hereby appropriated from anticipated reimbursements from the County of Monroe.

Section 2. Ordinance No. 2005-95, relating to an agreement with the County of Monroe for the lease of conduit for the placement of telecommunications equipment, is hereby amended by authorizing the agreement with the Rochester Pure Waters District instead of the County of Monroe.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember Douglas
April 11, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 94 - Cancellation Of Taxes And Charges

Int. No. 95 - Amending The Municipal Code With Respect To The Municipal Code Violations Bureau

Int. No. 97 - Amending Ordinance No. 2005-333 And Appropriating Funds For The Rochester After School Academy Program

Int. No. 98 - Local Law Amending The City Charter With Respect To Cyber Security Citizens' Notification Policy

Int. No. 105 - Establishing Maximum Compensation For An Agreement For The Rochester International Jazz Festival

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 100 - Amending The 2004-05 Community Development Program By Transferring Funds For Project Safe Place And Job Creation/Youth Development And Amending Ordinance No. 2004-245

The following entitled legislation is being held in committee:

Int. No. 96 - Amending The Municipal Code With Respect To Professional Licensing Fees

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
Gladys Santiago
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-75
Re: Cancellation or Refund of Erroneous
Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$22,580.10.

An amount of \$16,982.09, 75.20% of the total, relates to one property owned by the Monroe County Airport Authority that formerly was leased to a private concern. At the termination of that lease, the property should have become tax exempt on the 2005 Final Assessment Roll.

The sum of \$5,598.01, 24.80% of the total, applies to one property that is owned by a qualifying religious organization. The appropriate tax exemption was not recorded on the 2005 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$608,616.88.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 98 | \$518,752.31 |
| Administrative | 277 | 89,864.57 |
| Total | 375 | \$608,616.88 |

These cancellations represent .271% of the taxes receivable as of July 1, 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-75
(Int. No. 94)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) This property was formerly leased by the County to a private concern. The lease was terminated with control returned to Monroe County Airport prior to February 1, 2005. The property became exempt from general municipal tax.

| <u>S.B.L.#</u> <u>Address</u> | <u>Class</u> | <u>Tax</u> <u>Year</u> | <u>Amount</u> <u>Canceled</u> |
|--|--------------|---------------------------|----------------------------------|
| 135.130-01-1.2/Is08 1135 Brooks Ave | NH | 2006 | \$16,982.09 |

- (b) This property was owned by a qualifying religious organization as of February 1, 2005. The courts have held that religious organizations are not required to apply for an exemption as long as the assessor is satisfied that the organization qualifies for an exemption. The church leaders have shown qualifying use on the referenced date and were exempt at that time. All general taxes levied after February 1, 2005 are to be canceled.

| <u>S.B.L.#</u> <u>Address</u> | <u>Class</u> | <u>Tax</u> <u>Year</u> | <u>Amount</u> <u>Canceled</u> |
|----------------------------------|--------------|---------------------------|----------------------------------|
| 105.820-2-33 593-601 Jay St | NH | 2006 | \$ 5,598.01 |
| Grand Total | | | \$22,580.10 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-76
Re: Municipal Code Amendment

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending the Municipal Code to remove inconsistencies between the requirements of the Municipal

Code and State Law. The State Legislature, in 1969 (and amended in 1982), approved the establishment of the Municipal Code Violations Bureau to assist Rochester City Court in the disposition of Municipal Code offenses designated as violations. City Council approved the Municipal Code Violations Bureau in Chapter 13A of the Municipal Code.

In accordance with State Law, City Council and City Court have approved 25 Chapters and an Article in another Chapter of the Municipal Code for adjudication in the Municipal Code Violations Bureau. However, Subsection 13A-2B of the Municipal Code may be interpreted to require additional action by City Court if any of those Chapters are amended. The proposed legislation will repeal Subsection B, thereby allowing the jurisdiction of the Municipal Code Violations Bureau to be established in accordance with the State Legislation. Pursuant to State Law, City Court will continue to approve the Municipal Code Chapters or Sections for which violations are to be adjudicated in the Municipal Code Violations Bureau and the fines to be paid for such violations.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-76
(Int. No. 95)

Amending The Municipal Code With Respect To The Municipal Code Violations Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 13A-2 of the Municipal Code, relating to the jurisdiction of the Municipal Code Violations Bureau, as amended, is hereby further amended by repealing subsection B thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-77
Re: Amendatory Agreements - 21st
Century Community Learning
Centers Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program, RASA I and RASA II. This legislation will:

1. Amend Ordinance No. 2005-333 to correct the source of funds. Thirty-thousand dollars for the RASA I Community Parents' Initiative Project at School #39 will be financed in equal parts of \$15,000 each from the 2005-06 Budget of the Department of Parks, Recreation & Human Services and 2004-05 Cash Capital.
2. Appropriate \$72,000 from the RASA Trust fund for RASA I and II expenses. The funds will be used for summer projects, special events, printing, training and program equipment. The \$72,000 is from an increase in the indirect ex-

pense reimbursement allowed by New York State.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-77
(Int. No. 97)

Amending Ordinance No. 2005-333 And Appropriating Funds For The Rochester After School Academy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 2 of Ordinance No. 2005-333, relating to the Community Parents' Initiative Project at School #39 for the Rochester After School Academy (RASA) I Program, is hereby amended by changing the funding source so that an amount not to exceed \$15,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services and \$15,000 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. There is hereby appropriated from the RASA Trust Fund the sum of \$72,000, or so much thereof as may be necessary, to fund RASA I and RASA II expenses.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2
Re: Cyber Security Citizens Notification Policy

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the City Charter by adding a local law to accommodate the Cyber Security Citizens Notification Policy, required by recent additions to NY State Law.

In response to unauthorized access to and the subsequent sharing of private information stored on computer systems, the State of New York has adopted the Information Security Breach and Notification Act. This Act requires local governments to "disclose, without unreasonable delay, any breach of security, unauthorized access, or unauthorized release of personal computerized data to any New York State resident whose information has been accessed or reasonably believed to have been accessed."

Under the law, private information is defined as any personal information that could be used to permit access to an individual's financial accounts. This includes social security, driver's license and credit card numbers. Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

The City's information systems have multiple levels of protective software to reduce the risk of virus, worms and other attacks damaging our computer net-

work infrastructure and to prevent "break-ins". However, no system is entirely fail-safe and, in the event of a security breach, the City will notify affected individuals in writing, through an e-mail, or telephone call. The notification will include which categories of information may have been acquired without authorization.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 2
(Int. No. 98)

Local Law Amending The City Charter With Respect To Cyber Security Citizens' Notification Policy

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding a new Section 6-29 to read in its entirety as follows:

Section 6-29. Cyber Security Citizens' Notification Policy

- A. This policy is consistent with the State Technology Law, section 208 as added by Chapters 442 and 491 of the laws of 2005. This policy requires notification to impacted New York residents and non-residents. The City values the protection of private information of individuals. The City shall notify an individual when there has been or is reasonably believed to have been a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.
- B. Definitions. When used in this Section, the following words and phrases shall have the following meanings:

BREACH OF THE SECURITY OF THE SYSTEM - Unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by the City. Good faith acquisition of personal information by an employee or agent of the City for the purposes of the City is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the City may consider the following factors, among others: (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or (2) indications that the information has been downloaded or copied; or (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

CONSUMER REPORTING AGENCY - Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in

whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The City may request a list of consumer reporting agencies from the State Attorney General when required to make a notification under subsection C of this section.

PRIVATE INFORMATION - Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired: (1) social security number; (2) driver's license number or non-driver identification card number; or (3) account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account. Private information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

- C. Where the City owns or licenses computerized data that includes private information, the City shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any person whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection E of this section, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.
- D. Where the City maintains computerized data that includes private information which the City does not own, the City shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.
- E. The notification required by this section may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this section shall be made after such law enforcement agency determines that such notification does not compromise such investigation.
- F. The notice required by this section shall be directly provided to the affected persons by one of the following methods:
 - (1) written notice;
 - (2) electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the City; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engag-

ing in any transaction;

- (3) telephone notification provided that a log of each such notification is kept by the City; or
- (4) Substitute notice, if the Director of Finance determines that the cost of providing notice would exceed two-hundred-fifty-thousand dollars, or that the affected class of subject persons to be notified exceeds five-hundred-thousand, or the City does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) e-mail notice when the City has an e-mail address for the subject persons;
 - (b) conspicuous posting of the notice on the City's web site page; and
 - (c) notification to local media.
- G. Regardless of the method by which notice is provided, such notice shall include contact information for the City and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.
- H. (1) In the event that any New York residents are to be notified, the City shall notify the State Attorney General, the Consumer Protection Board, and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.
- (2) In the event that more than five-thousand New York residents are to be notified at one time, the City shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected New York residents.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Councilmember Pritchard moved to amend Int. No. 105.

Motion seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers McFadden, Miller - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-78
Re: Agreement - Rochester International
Jazz Festival

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester International Jazz Fest/RIJ, LLC to provide partial funding for the operation of the free performance segment of the 2006 International Jazz Festival. The cost of this agreement is \$35,000 and will be funded from the 2005-06 Budget (\$25,000) and the 2005-06 Undistributed allocation (\$10,000).

The City funds, along with other sponsorship funding (including \$65,000 from Monroe County), will contribute to the overall operating costs of the free performance segment, which will consist of performances by 36 artists.

Proposed Budget For Free Performance
Segment of the Rochester International
Jazz Festival

| | |
|--|------------------|
| Artist fees | \$ 43,500 |
| Stage rentals | 20,000 |
| Sound, lighting, stage managers | 13,200 |
| Security | 15,000 |
| Amenities | |
| (chairs and port-o-johns) | 5,503 |
| Artist travel and production coordination | 22,000 |
| | <u>\$119,203</u> |

The Rochester International Jazz Festival (RIJF) has quickly become one of the nation's most popular and most respected music festivals. Attendance has grown from 15,000 in its first year, 2002, to 65,000 in 2005. Attendees represent music lovers from most of the United States and several foreign countries. RIJF is held at multiple venues within walking distance of each other in Rochester's East End Cultural District.

The City also agrees to install banners promoting the Festival on bridges over Interstate 490.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-78
(Int. No. 105, As Amended)

**Establishing Maximum Compensation For An
Agreement For The Rochester International Jazz
Festival**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester International Jazz Festival/RIJF, LLC, for the 2006 Rochester International Jazz Festival. Of said amount, \$25,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services and \$10,000 shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. Within 90 days of the close of the Jazz

Festival, a report shall be provided to the City Council itemizing the expenditures and revenues for the event. Said report shall include an accounting of all staff support and other in-kind services provided by any City department to the Jazz Festival.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-79
Re: Agreement - Project Safe Place

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending Ordinance No. 2004-245 by appropriating \$75,000 from the 2004-05 BEST II Program. \$10,000 will be used to fund Project Safe Place, a new program, and \$65,000 will be moved to the Job Creation/Youth Development Allocations of the 2004-05 Community Development Block Grant.

Project Safe Place is a community-wide initiative modeled after a program begun in Louisville, Kentucky that is designed to provide access to immediate help for youth in crisis. The Center for Youth Services has received its national license to establish a Safe Place Program in Rochester and Monroe County. The program is slated to begin in June 2006. A project information sheet is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-30

Ordinance No. 2006-79
(Int. No. 100)

Amending The 2004-05 Community Development Program By Transferring Funds For Project Safe Place And Job Creation/Youth Development And Amending Ordinance No. 2004-245

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the General Community Needs Allocation the sum of \$75,000 shall be transferred from the Basic Employability Skills Training (BEST) Program Account, with \$10,000 going into a new account for the Project Safe Place Program of the Center for Youth Services and \$65,000 going into the Job Creation/Youth Development Account.

Section 2. There is appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program the sum of \$10,000, or so much thereof as may be necessary, to fund the Project Safe Place Program of the Center for Youth Services.

Section 3. Ordinance No. 2004-245, relating to the Best Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$75,000, which amount is transferred herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 96
Re: City Code Amendment - Trades
Licensing and Testing Fees

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapters 40, 49, 50 and 103 of the City Code to reflect an increase in professional licensing, testing and late payment penalty fees. These fees were last revised in 1992 and 1993. Based on increases in operating costs and inflation rates since the last revision, an increase in fees is warranted.

Licensing, testing and late payment fees are currently set at a range of \$30 to \$150. These will be increased to a range of \$50 to \$300. The revisions will yield increased revenue to cover current license and test processing administration.

A summary of the existing and proposed fees is attached.

These fees shall take effect as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 96

AMENDING THE MUNICIPAL CODE WITH RESPECT TO PROFESSIONAL LICENSING FEES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 40-9 of the Municipal Code, Registration required: issuance of license and fees, as amended, is hereby further amended by amending subsection A to read in its entirety as follows:

- A. Any plumber holding a certificate of competency issued by the Examining Board of Plumbers, who has made application for the first time to conduct the business of plumbing in this City, must register personally in the permit office of the Department of Community Development with the Board and, upon the payment of \$100, shall receive a certificate of registration and a license.

Section 2. Section 40-10 of the Municipal Code, License and registration renewals, as amended, is hereby further amended by amending subsection A to read in its entirety as follows:

- A. Certificates of registration and/or licenses shall be issued for a maximum period of 24 months, to terminate on the 31st day of December in an even year. The fee for a certificate of registration

and/or license shall be \$200, except that the fee for a new certificate of registration or license issued within one year of the expiration date shall be \$100.

Section 3. Section 40-10 of the Municipal Code, License and registration renewals, as amended, is hereby further amended by amending the first sentence of subsection B to read in its entirety as follows:

Any master plumber who fails to renew a registration and/or license by the January 1 immediately following expiration of such registration and/or license may renew such certificate of registration and/or license upon application and payment of a fee of \$250.

Section 4. Section 49-8 of the Municipal Code, Fees for licenses, as amended, is hereby further amended by amending subsections B and C to read in their entirety as follows:

- B. Fees for new permanent licenses and for temporary licenses.

- (1) Examination fee (due with application): \$150.
- (2) License fee (due with certification): \$200.

| <u>Exam Date</u> | <u>Type</u> | <u>Even Year</u> | <u>Odd Year</u> |
|----------------------|--------------|----------------------|---------------------|
| July | Single phase | \$200.00 | \$100.00 |
| July | Master | 200.00 | 100.00 |
| January | Single phase | 50.00 | 150.00 |
| January | Master | 50.00 | 150.00 |

- (3) Temporary license: Examination fee of \$150 and license fee of \$100.

- C. Fees for renewal of active licenses (full two-year periods only).

| <u>Type</u> | <u>Fee</u> |
|--------------|------------|
| Master | \$200.00 |
| Single phase | 200.00 |

Section 5. Section 49-8 of the Municipal Code, Fees for licenses, as amended, is hereby further amended by amending subsection F(1) to read in its entirety as follows:

- (1) For reinstating a suspended license: \$100.

Section 6. Section 49-8 of the Municipal Code, Fees for licenses, as amended, is hereby further amended by repealing subsections E and G.

Section 7. Section 50-7 of the Municipal Code, Application for licenses; fee, as amended, is hereby further amended by amending subsection C to read in its entirety as follows:

- C. Fees.

- (1) The applicant shall pay a application fee of \$200 at the time the application is made at the permit office of the Department of Community Development.
- (2) Said fee is forfeited in the case of failure to secure a license due to failure to meet

the qualifications.

- (3) Upon successful completion of the application process for a license, the applicant shall pay a license fee of \$300.

Section 8. Section 50-10 of the Municipal Code, Expiration and renewal of licenses; fee, as amended, is hereby further amended by amending subsections A, B, C and G to read in their entirety as follows:

- A. All licenses issued shall expire on the 31st day of January of the even years following their date of issuance and shall be renewed biennially between December 1 and December 31 of the odd years. The fee for renewal shall be \$300.
- B. A license which is renewed between January 1 and January 31 in the even years shall be charged an additional fee of \$100.
- C. A license which is renewed between February 1 and March 1 in the even years shall be charged an additional fee of \$200.

G. Fee schedule.

| <u>Period</u> | <u>Filed Between December 1 And December 31</u> | <u>Filed Between January 1 And January 31</u> | <u>Filed Between February 1 And March 1</u> |
|---------------------|---|---|---|
| Renewal \$300.00 | — | — | — |
| Late filing | — | \$300.00 | \$300.00 |
| Penalty fee | — | 100.00 | 200.00 |
| Total | — | 400.00 | 500.00 |

Section 9. Section 50-11 of the Municipal Code, Application for registration, as amended, is hereby further amended by amending subsections B and D to read in their entirety as follows:

- B. The applicant shall pay a fee of \$200 at the time application is made at the permit office of the Department of Community Development. On written request by the applicant, the Commissioner may refund up to 50% of the fee paid if an application is not granted.
- D. Upon successful completion of the application process for a certification of registration, the applicant shall pay a certificate fee of \$300.

Section 10. Section 50-13 of the Municipal Code, Expiration and renewal of certificate of registration, as amended, is hereby further amended by amending subsections A, B, C and G to read in their entirety as follows:

- A. All certificates of registration issued shall expire on the 31st day of January of the even years following their date of issuance and shall be renewed biennially between December 1 and December 31 of the odd years. The fee for renewal shall be \$300.
- B. A certificate of registration which is renewed between January 1 and January 31 in the even years shall be charged an additional fee of

\$100.

- C. A certificate of registration which is renewed between February 1 and March 1 in the even years shall be charged an additional fee of \$200.

G. Fee schedule.

| <u>Period</u> | <u>Filed Between December 1 And December 31</u> | <u>Filed Between January 1 And January 31</u> | <u>Filed Between February 1 And March 1</u> |
|---------------------|---|---|---|
| Renewal \$300.00 | — | — | — |
| Late filing | — | \$300.00 | \$300.00 |
| Penalty fee | — | 100.00 | 200.00 |
| Total | — | 400.00 | 500.00 |

Section 11. Section 50-14.1 of the Municipal Code, Fees for mechanic's licenses, as amended, is hereby further amended by amending subsection B to read in its entirety as follows:

- B. Fees for new permanent licenses and for temporary licenses.

(1) Examination fee (due with application): \$100.

(2) License fee (due with certification):

| <u>Exam Date</u> | <u>Type</u> | <u>Even Year</u> | <u>Odd Year</u> |
|------------------|---------------------|----------------------|---------------------|
| July/January | Mechanic | \$200.00 | \$100.00 |
| July/January | Limited mechanic | 200.00 | 100.00 |

(3) Temporary license, examination fee of \$100 and license fee of \$100.

Section 12. Section 50-14.2 of the Municipal Code, Expiration and renewal of licenses, as amended, is hereby further amended by amending subsections A, B, C and G to read in their entirety as follows:

- A. All licenses issued shall expire on the 31st day of January of the even years following their date of issuance and shall be renewed biennially between December 1 and December 31 of the odd years. The fee for renewal shall be \$200.
- B. A license which is renewed between January 1 and January 31 in the even years shall be charged an additional fee of \$100.
- C. A license which is renewed between February 1 and March 1 in the even years shall be charged an additional fee of \$200.
- G. Fee schedule.

Period

| <u>Filed Between</u> <u>December 1</u> <u>And</u> <u>December 31</u> | <u>Filed Between</u> <u>January 1</u> <u>And</u> <u>January 31</u> | <u>Filed Between</u> <u>February 1</u> <u>And</u> <u>March 1</u> |
|---|---|---|
| Renewal \$200.00 | — | — |
| Late filing | | |
| — | \$200.00 | \$200.00 |
| Penalty fee | | |
| — | 100.00 | 200.00 |
| Total | | |
| — | 300.00 | 400.00 |

Section 13. Section 103-7 of the Municipal Code, Application for licenses; fees, as amended, is hereby further amended by amending subsection B to read in its entirety as follows:

B. Fees.

- (1) The applicant shall pay the following examination fees at the time the application is made at the Permit Office of the Department of Community Development:
- (a) Examination fee for stationary engineers and refrigeration operators: \$100.
- (b) Examination fee for custodians and watchmen: \$100.

Section 14. Section 103-11 of the Municipal Code, Application for licenses; fees, as amended, is hereby further amended by amending subsection A to read in its entirety as follows:

A. The following fees shall be paid by the applicant for the type of license as indicated:

(1) Initial fees:

| <u>Exam Date</u> <u>Fee Even Year</u> | <u>Fee Odd Year</u> |
|--|----------------------|
| January to June \$200.00 (\$250.00)* | \$100.00 (\$125.00)* |
| July to December \$100.00 (\$125.00)* | \$50.00 (\$65.00)* |

* If a licensee holds or is issued two licenses.

(2) Renewal fees:

- (a) Stationary engineers (all classes): \$200; \$250 if a licensee holds or is issued two licenses.
- (b) Refrigeration operators (all classes): \$200; \$250 if a licensee holds or is issued two licenses.

Section 2. This ordinance shall take effect immediately, and shall apply to fees for examinations for licenses and certificates which shall be effective on or after July 1, 2006, and to fees for licenses and certificates effective on or after July 1, 2006.

Item held In Committee.

By Councilmember McFadden
April 11, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 101 - Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-80
Re: Agreement - Protectives, Inc.

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Protectives, Inc., for the continued provision of auxiliary services to the Fire Department. The total cost of this three year agreement, \$125,712, will be financed from the 2006-07, 2007-08 and 2008-09 Budgets of the Fire Department. The most recent agreement expires on June 30, 2006.

Protectives, Inc. is an organization of volunteers who protect private property at fire scenes from unnecessary damage. They report at the request of the Fire Department and either remove property from structures or, if removal is impossible, cover it with tarps. Over 25,000 hours of services are provided annually by approximately 35 active members.

The Fire Department provides 5,600 square feet of space at the Andrews Street facility for office, storage and bunking purposes, and a truck and driver to transport equipment.

The City will pay Protectives, Inc. the following amounts to finance the costs of janitorial services related to its facility, business services and supplies related to the organization, and accident and sickness insurance.

| <u>Year</u> | <u>Services and</u> <u>Supplies</u> | <u>Insurance</u> | <u>Total</u> |
|-------------|--|------------------|--------------|
| Present | \$34,000 | \$5,717 | \$39,717 |
| 2006-07 | 35,000 | 5,904 | 40,904 |
| 2007-08 | 36,000 | 5,904 | 41,904 |
| 2008-09 | 37,000 | 5,904 | 42,904 |

In addition, the City will provide annual Hepatitis B vaccinations to all members and annual physicals to the members who use breathing apparatus at the fire scene. Similar vaccinations are currently provided by the City to other emergency personnel and such annual physicals are required under state and federal regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-80
(Int. No. 101)

Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,904, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of an agreement between the City and The Protectives, Inc. for property protection, salvage and related services to the Fire Department. Said agreement may extend for a term of three years, with maximum amounts of \$41,904 and \$42,904 in the second and third years. The Fire Department shall also be obligated to pay for the costs of physical examinations and hepatitis B vaccinations for members of the Protectives. Said amounts shall be funded from the 2006-07 and subsequent Budgets of the Fire Department, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
April 11, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 102 - Authorizing An Agreement For Advertising In Municipal Parking Garages, As Amended

Int. No. 103 - Local Law Adding The HF Technologies Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 106 - Resolution Approving Appointments To The Rochester Economic Development Corporation

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-81
Re: Parking Garage Commercial
Advertising Program

R2010: Campaign 7 - Quality Service
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Marquis Media LLC, 1600 Clinton Avenue North, Rochester, to implement and manage commercial advertising in seven municipal parking garages. The estimated annual revenue

to the City is projected at \$75,000 to \$93,000.

The Economic Development Department sent a request for proposals in February 2006 to seven advertising firms. Marquis Media was the sole respondent. A review of their proposal by EDD and Communications Department staff resulted in a recommendation for approval.

A total of 112 signs will be installed as follows:

| | |
|-------------------|----|
| Court Street | 22 |
| Crossroads | 12 |
| High Falls | 14 |
| Midtown | 16 |
| Sister Cities | 18 |
| South Avenue | 18 |
| Washington Square | 12 |

There will be 35 4' x 4' signs and 77 3' x 12' signs, mounted in aluminum frames. Space will be leased to vendors on a monthly basis. The cost for one advertiser to purchase the lease of all 112 signs will be \$18,000; if the signs are shared by advertisers, the cost would increase (e.g., \$21,000 if shared by two). Marquis Media will be responsible for all sales, installation and maintenance of advertising materials. Payments will be made to the City on a quarterly basis from a 50/50 split of revenue. The cost of frames and installation and media will be deducted from the revenue payments.

The content of advertising material will be monitored through EDD and approved prior to installation. Prohibited will be signs with content involving alcohol, tobacco and firearm sales; political campaigns; sexual explicitness; religion; or other issues that may be determined to be inappropriate by the City of Rochester.

The term of the agreement will be three years with two one-year renewals.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-31

Ordinance No. 2006-81
(Int. No. 102, As Amended)

Authorizing An Agreement For Advertising In Municipal Parking Garages And Amending Ordinance No. 2006-59

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In order to increase revenue from the municipal parking garages, the Mayor is hereby authorized to enter into an agreement with Marquis Media LLC to implement an advertising program in Center City municipal parking garages. Commercial advertising and promotion of City programs and events shall be authorized. Said agreement may extend for a term of three years, with two one-year renewal options. Marquis Media shall be responsible for all sales, installation and marketing of the advertising materials. The agreement shall require approval by the Municipal Parking Coordinator of the advertising based on criteria established in the agreement, which criteria shall exclude advertising promoting alcohol; tobacco; firearms; sexually oriented businesses or products; non-commercial, political or reli-

gious material; violence or sexual content; illegal conduct, goods or services; content demeaning or disparaging an individual or group; or advertising discriminating on the basis of age, race, creed, color, national origin, gender, sexual orientation, disability or marital status.

Section 2. The agreement shall obligate Marquis Media to pay to the City 50% of the net advertising revenues.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-59, relating to an agreement with the Rochester Convention Center Management Corporation for the operation of the South Avenue Parking Garage, is hereby amended by authorizing the agreement to include a term of three months, from April 1, 2006 through June 30, 2006, prior to the regular term of three years which shall commence on July 1, 2006, and the two additional one-year renewal options.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3
Re: NYS Empire Zone - HF Technologies

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the inclusion of HF Technologies to the City of Rochester Empire Zone as a regionally significant project.

HF Technologies is a manufacturer of silicone-coated rollers for digital copiers and printers. The company is moving their overseas operations back to Rochester and will be upgrading their facilities at 832 and 880 Emerson. The company will invest \$170,000 in upgrading manufacturing facilities, and \$730,000 in the purchase of machinery and equipment. The company currently employs nine and projects the creation of 77 new jobs within five years.

Effective April 1, 2005, several changes were made to the New York State Empire Zone Program. One change allows local zones, with the approval of Empire State Development, to include as regionally significant projects, manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two-square-mile limitation of available acreage.

Attached is a map of the project area to be included.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-32

Local Law No. 3
(Int. No. 103)

Local Law Adding The HF Technologies Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, HF Technologies is proposing an expansion of its manufacturing facilities in the City of Rochester; and

WHEREAS, this expansion will add 77 jobs that support HF Technologies on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone shall also determine that the proposed expansion is eligible for Empire Zones benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of Empire Zone lands for the proposed expansion of HF Technologies Manufacturing Project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the properties described as follows:

810-830 Emerson Street - SBL #105.310-0001-006.000/0000

920 Emerson Street - SBL #105.390-0002-004.001/0000

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-21
Re: Appointments - Rochester Economic Development Corporation

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to membership of the Rochester Economic Development Corporation (REDCO). This legislation will:

1. Terminate the appointments of the following individuals as Members of REDCO:

Rachel A. Adonis, Vice President, HSBC Bank

Irving L. Kessler, Attorney, Underberg &

Kessler

Tim O. Mains, Principal, School #50;

2. Confirm the appointments of the following individuals as Members of REDCO:

William F. Pritchard, 250 Rosedale Street, Rochester 14620, At-Large City Councilmember. Mr. Pritchard's term will extend to June 30, 2007.

Reverend Michael D. Roberts, 750 Ashland Street, Rochester, 14607, Chaplain and Organizing Director, UNITE HERE. Rev. Roberts' term will extend to June 30, 2007.

The outgoing members, who were appointed by former Mayor Ryan, have served the Corporation well and have been recognized for their service and commitment. The appointments of Mr. Pritchard and Rev. Roberts complete the new REDCO board under the current administration.

Copies of Mr. Pritchard's and Rev. Roberts' resumes are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-21
(Int. No. 106)

Resolution Approving Appointments To The Rochester Economic Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of William F. Pritchard, City Councilmember, and Reverend Michael D. Roberts, 750 Ashland Street, Chaplain and Organizing Director, UNITE HERE, to the Rochester Economic Development Corporation (REDCO) for terms which shall expire on June 30, 2007. These members, together with Dan Conte, whose appointment was confirmed in Resolution No. 2006-13, shall replace Rachel A. Adonis, Irving L. Kessler, and Tim O. Mains.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:31 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
MAY 4, 2006
4:30 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Pritchard, Santiago, Stevenson - 8.

Absent - Councilmember Miller - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-82,
Ordinance No. 2006-83,
Ordinance No. 2006-84 And
Ordinance No. 2006-85

Re: Sale of The Spirit of Ontario I

Transmitted herewith for your approval is legislation authorizing the Rochester Ferry Company, LLC (RFC) to sell the vessel, The Spirit of Ontario I, to Euroferries, Limited, for the sum of \$29,800,000.

The sale proceeds will be used by RFC to repay those funds loaned by the City pursuant to Ordinance No. 2006-13, and its other debts, and to apply the remaining proceeds to the outstanding Export Finance and Insurance Corporation (EFIC) loan balance. RFC will then complete its business and be dissolved. The City will assume the (EFIC) loan balance, which shall be in a principal amount not to exceed \$20,000,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-82
(Int. No. 154)

Authorizing The Sale Of The Fast Ferry

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the sale of the vessel Spirit of Ontario I by the Rochester Ferry Company, LLC to Euroferries, Limited, for the sum of \$29,800,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-83
(Int. No. 155)

Authorizing Satisfaction Of The Mortgage On The Fast Ferry

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Corporation Counsel is hereby authorized to enter into a satisfaction of the City mortgage on the vessel Spirit of Ontario I upon completion of the sale and receipt of the sale proceeds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-84
(Int. No. 156)

Authorizing Assumption Of Fast Ferry Loan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Rochester Ferry Company, LLC, the Export Finance and Insurance Corporation (EFIC), and all necessary parties for the assumption by the City of the EFIC loan on the vessel Spirit of Ontario I. The agreements shall obligate the City to a principal amount of no more than \$20,000,000. Funding shall be provided in the annual budgets of the City.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-85
(Int. No. 157)

Authorizing An Agreement With The Rochester Ferry Company, LLC, For Completion Of Its Business And Authorizing Its Dissolution

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In furtherance of the sale of the vessel Spirit of Ontario I authorized on this date, the Mayor is hereby authorized to enter into an agreement with the Rochester Ferry Company, LLC, for the completion of its business. The agreement shall obligate the Rochester Ferry Company, LLC to repay those funds loaned by the City pursuant to Ordinance No. 2006-13, take such action as is necessary to wind down its business in an orderly fashion and to provide the remaining proceeds of the sale for application against the outstanding Export Finance and Insurance Corporation Loan balance to be assumed by the City.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The Council hereby authorizes the Corporation Counsel to dissolve the Rochester Ferry Company, LLC, upon completion of its business, in accordance with law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 5:20 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
MAY 16, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 8.

Absent - Councilmember McFadden - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Dept. of Environmental Services

F. Glenn King

Dept. of Emergency Communications

Dianna Tears

Fire Department

Ralph Privitere

APPROVAL OF THE MINUTES

By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of April 11, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3838-7

Public Disclosure - Home Participation 3839-7

Quarterly Report 3840-7

Schedule of General Liability Claims

Schedule of Workers Compensation Claims

The Corporation Counsel Submits Settlement of Tax Assessment Proceedings 3841-7

The Director of Zoning Submits Notices of Environmental Determination 3842-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Fuel Surcharge for Taxis in the City of Rochester
Petition No. 1618

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 113 No Speakers.

Dedication Of Extension Of Edith Street Int. No. 114 No Speakers.

Approving The Consolidated Community Development Plan/2006-07 Annual Action Plan Int. No. 135 1 Speaker, Charles Richardson.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Open Space District

And Authorizing An Agreement Int. No. 123
No Speakers.

Local Improvement Ordinance - Establishing The
Operating And Maintenance Costs Of Street Light-
ing Special Assessment Districts, As Amended Int.
No. 124 No Speakers.

Approving Changes In The Pavement Width Of
West Main Street At Canal Street And At Jefferson
Avenue, And Of King Street At West Main Street,
And Accepting An Easement Int. No. 142
No Speakers.

Local Improvement Ordinance - Establishing The
Cost Of The Assessments Related To The High Falls
Business Improvement District Int. No. 131 No
Speakers.

Local Improvement Ordinance - Establishing The
Cost Of The Special Work And Services Related To
Main Street Improvements Int. No. 153 No
Speakers

Local Improvement Ordinance - Establishing The
Cost Of The Special Work And Services Related To
Downtown Guides And Authorizing An Agreement
Int. No. 160 No Speakers

INTRODUCTION OF AND ACTION UPON LO- CAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-86 And
Ordinance No. 2006-87
Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is legislation
certifying certain calculations relating to the appor-
tionment of property taxes between the homestead and
non-homestead assessment classifications. Such cer-
tification is required by Article 19 of the New York
State Real Property Tax Law.

The certification involves determination of the "base
proportion". In general, the base proportion for each
class represents the share of the property tax levy to
be allocated to that class.

This determination process involves two computa-
tions. The first is the calculation of the current base
proportions using 1989 and 2005 data. The second is
the calculation of the adjusted base proportions using
2005 and 2006 data. Both calculations are attached.

The current base proportions, as calculated by the
formula specified by Article 1, are as follows:

| | |
|---------------|-----------------|
| Homestead | .4269791 |
| Non-Homestead | <u>.5730209</u> |
| Total | 1.0000000 |

In comparison, the new adjusted base proportions are
as follows:

| | |
|---------------|-----------------|
| Homestead | .4235522 |
| Non-Homestead | <u>.5764478</u> |
| Total | 1.0000000 |

These new proportions result in the following shifts
in the share of the tax levy allocated in each class:

| | |
|---------------|---------|
| Homestead | -.8951% |
| Non-Homestead | +.6680% |

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-33

Ordinance No. 2006-86
(Int. No. 165)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2006 Assessment Roll

BE IT ORDAINED, by the Council of the City of
Rochester, as follows:

Section 1. Under Section 1903 of the Real Prop-
erty Tax Law, the Council determines the current base
proportions, current percentages, and base percent-
ages for the City's 2006 assessment roll as follows:

| | Homestead Class | Non- Homestead Class |
|--------------------------|--------------------|----------------------------|
| Current base proportions | 42.69791% | 57.30209% |
| Current percentage | 61.11610% | 38.88390% |
| Base percentage | 52.03550% | 47.96450% |

Section 2. The City Clerk is hereby directed to
certify the figures set forth above to the State Board
of Equalization and Assessment.

Section 3. This ordinance shall take effect imme-
diately.

Passed unanimously.

Ordinance No. 2006-87
(Int. No. 166)

Determining And Certifying Adjusted Base Pro- portions, Assessed Value, And Net Changes In As- sessed Value For The 2006 Assessment Roll

Section 1. Under Section 1063 of the Real Prop-
erty Tax Law, the Council determines the adjusted
base proportions, assessed value, and net change in
assessed value for the City's 2006 assessment roll as
follows:

| | Homestead Class | Non-Homestead Class |
|--|--------------------|------------------------|
| Adjusted base proportion | .4235522 | .5764478 |
| Taxable assessed value | \$3,094,409,507 | \$1,999,211,208 |
| Net change in assessed value from 2005 resulting from physical and quantity changes | +3,688,000 | +30,191,100 |
| Net change in assessed value from 2005 resulting from other than physical and quantity changes | -589,700 | -17,609,150 |

Section 2. The City Clerk is hereby directed to
certify the figures set forth above to the State Board

of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 16, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 108 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2005-233, As Amended

Int. No. 109 - Amending Ordinance No. 2006-7 Relating To The Operation Of Public Waterfront Facilities

Int. No. 110 - Authorizing An Agreement For The Continued Lease Of Space For The Area E NET Office

Int. No. 111 - Authorizing A Sub-Lease Agreement For Space In The Area A NET Office

Int. No. 112 - Authorizing Agreements For The Emergency Shelter Grant Program

Int. No. 161 - Amending The Municipal Code With Respect To The Lease Of Real Estate

Int. No. 162 - Amending The Municipal Code With Respect To Real Estate

Int. No. 133 - Authorizing An Agreement For The Sector 3 Community Garden Beautification Project As Part Of The Sector Targeted Initiative Program

Int. No. 134 - Authorizing An Agreement For Adams Street Playground As Part Of The Sector Targeted Initiative Program

The Housing & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 113 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 114 - Dedication Of Extension Of Edith Street

Int. No. 135 - Approving The Consolidated Community Development Plan/2006-07 Annual Action Plan

Int. No. 136 - Authorizing Submission Of The Consolidated Community Development Plan/2006-07 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 137 - Appropriation Of Funds For The City Development Fund

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas (Did not vote on Int. No. 112)

John F. Lightfoot
Lois J. Giess (Did not vote on Int. No. 113, 114, 133 and 134)
Gladys Santiago
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-88 And
Ordinance No. 2006-89
Re: Sale of Real Estate and Amending
Ordinance No. 2006-7

Transmitted herewith for your approval is legislation approving the sale of two properties and amending a previous ordinance. Staff has audited City records to ensure that the purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that the purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first property is an unbuildable vacant lot located at 197 Campbell St. that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

The second property is a structure located at 34 King Street. It is being sold to Flower City Habitat for Humanity for its appraised value of \$1,000. The structure will be rehabilitated as a single-family and will subsequently be sold to an owner-occupant.

All City taxes and other charges, except water charges, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Amendment

This legislation will amend Ord. No. 2006-7, which authorized Gibbs Marine Group, Inc. to operate riverfront facilities at the Port of Rochester. Gibbs has created a separate business, River Street Marine, LLC, to operate at the Port. This amendment will reflect the name change.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-34

Ordinance No. 2006-88
(Int. No. 108, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2005-233

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Lot Size Purchaser | Sq. Ft. |
|----------------------------------|------------------------------|---------|
| 197 Campbell St 120.27-1-54.2 | 16x88 Mary Joy Josefovicz | 1471± |

Section 2. The Council hereby further approves the negotiated sale of the following parcel of improved property:

| Address S.B.L.# | Lot Size Purchaser | Price |
|---------------------------|---|---------|
| 34 King St 120.36-2-44 | 44'x128' Flower City Habitat for Humanity* | \$1,000 |

Officers: Arthur Woodward, Edward Lipski,
Musette Kastle, Bill Mason, Donna Murano

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. Ordinance No. 2005-233, relating to the acquisition of 15 Hebard Street and 3 Trinidad Street for parking for the Public Market, is hereby amended by adding the following new sentences to the end of Section 1 thereof:

City taxes and other current year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2006-89
(Int. No. 109)

Amending Ordinance No. 2006-7 Relating To The Operation Of Public Waterfront Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-7, relating to an agreement for the operation of public waterfront facilities, is hereby amended by changing the name of the operator from Gibbs Marine Group, Inc. to River Street Marine, LLC.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-90
Re: Lease - 212 Webster Avenue

Transmitted herewith for your approval is legislation authorizing the continuance of a lease agreement between the City of Rochester and Joseph D. DeGeorge for approximately 1700 square feet of office space at 212 Webster Avenue. The space has been occupied by Area E NET staff for the previous nine years. The new lease will be for a term of one year at an annual rental rate of \$12,900. There will also be one renewal option available for an additional one-year term at the same rental amount.

Independent Real Estate Appraiser, Robert G. Pogel, SRPA, has reviewed the lease and is of the opinion that the rental amount is reflective of the market for this property.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-90
(Int. No. 110)

Authorizing An Agreement For The Continued Lease Of Space For The Area E NET Office

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with Joseph D. DeGeorge for the continued lease of space at 212 Webster Avenue to be used for the Area E NET Office. The agreement shall extend for a term of one year with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$12,900 in annual rent. Said amount shall be funded from the NET Operating Budgets.

Section 3. The agreement shall contain such additional terms and conditions as the Director deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-91
Re: Sub-Lease Agreement - 1495 Lake Avenue

Transmitted herewith for your approval is legislation authorizing an agreement with the Maplewood Neighborhood Association for the sub-lease of approximately 224 square feet of office space at 1495 Lake Avenue. The office space was previously occupied by the Rochester Police Department's Lake Section.

The City currently leases the 6,000 square-foot building from Wegman Specialties, LLC; 3,000 sq.ft. are used by Area A NET; the City subleases 1700 sq.ft. to Bergmann Associates; the remainder of the building is vacant.

The sublease with the Maplewood Neighborhood Association will be for a period of one year at a monthly rental rate of \$185. This amount was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-91
(Int. No. 111)

Authorizing A Sub-Lease Agreement For Space In The Area A NET Office

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with the Maplewood Neighborhood Association for the sublease of approximately 224 square feet of space at 1495 Lake Avenue, the Area A NET Office. The agreement shall extend for a term of one year.

Section 2. The lease agreement shall obligate the Maplewood Neighborhood Association to pay an amount not to exceed \$185 in monthly rent.

Section 3. The agreement shall contain such additional terms and conditions as the Director deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-92
Re: Agreements and Appropriations -
Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation authorizing agreements with 28 organizations for projects funded through the 2006-07 Emergency Shelter Grant (ESG) Program, for a total of \$397,525. In addition, \$21,122 from the 2006-07 Budget of the Department of Parks, Recreation and Human Services will be used to cover administrative costs of the program.

| <u>Organization</u> | <u>Proposed Allocation</u> |
|---|----------------------------|
| Alternatives for Battered Women | \$ 22,500 |
| Asbury Dining and Caring | 2,100 |
| Baden Street Settlement | 10,000 |
| Blessed Sacrament Church | 12,340 |
| Cameron Community Ministries | 8,000 |
| Catholic Charities | 12,150 |
| Catholic Family Center/Emergency Services | 12,500 |
| Catholic Family Center/Francis Center | 17,500 |
| Catholic Family Center Sanctuary House | 8,000 |
| Catholic Family Center Women's Place | 20,000 |
| The Center for Youth | 30,000 |
| Cephas Attica | 12,000 |
| The Community Place | 11,800 |

| | |
|---|------------------|
| Dimitri House | 17,500 |
| Enriche House | 15,000 |
| Hillside Children's Center | 10,000 |
| Mercy Residential/Families First | 14,000 |
| Mercy Residential/ Melita House | 13,000 |
| RAIHN (Rochester Area Interfaith Hospitality Network) | 12,000 |
| St. Martins Place | 9,000 |
| Salvation Army | 30,000 |
| Sojourner House | 25,000 |
| Spiritus Christi | 14,000 |
| Veteran's Outreach Center | 16,525 |
| Volunteers of America/Emergency Housing | 8,000 |
| Volunteers of America/Homelessness Prevention Center | 10,000 |
| Wilson Commencement Park | 17,110 |
| YWCA | 7,500 |
| Total | <u>\$397,525</u> |

A Request for Proposals for the Emergency Shelter Grant was issued on February 15, 2006; the notice was published in the Democrat & Chronicle and on the City's website, letters were sent to the 340 addresses on the department's mailing list, and a bidders conference was held on February 17. Thirty-two responses were received by the March 13, 2006 due date. Two responses were considered ineligible since described services did not address the needs of the homeless population, nor those at risk of homelessness.

The remaining thirty proposals were reviewed by a team composed of staff from the Bureau of Human Services, Community Development and a community representative, using these criteria:

1. Compliance with applicable federal guidelines.
2. Provision by the program of facilities or services to under-served populations.
3. Provision of services that meet priority needs identified in the RFP and Consolidated Community Development Plan.
4. The ability to expend or encumber all project funds within 12 months.

Project summaries are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-35

Ordinance No. 2006-92
(Int. No. 112)

Authorizing Agreements For The Emergency Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

| <u>Organization</u> | <u>Amount</u> |
|---------------------------------|---------------|
| Alternatives for Battered Women | \$22,500 |

| | |
|---|--------|
| Asbury Dining and Caring | 2,100 |
| Baden Street Settlement | 10,000 |
| Blessed Sacrament Church | 12,340 |
| Cameron Community Ministries | 8,000 |
| Catholic Charities | 12,150 |
| Catholic Family Center/Emergency Services | 12,500 |
| Catholic Family Center/Francis Center | 17,500 |
| Catholic Family Center/Sanctuary House | 8,000 |
| Catholic Family Center/Women's Place | 20,000 |
| The Center for Youth | 30,000 |
| Cephas Attica | 12,000 |
| The Community Place | 11,800 |
| Dimitri House | 17,500 |
| Enriche House | 15,000 |
| Hillside Children's Center | 10,000 |
| Mercy Residential/Families First | 14,000 |
| Mercy Residential/Melita House | 13,000 |
| RAIHN (Rochester Area Interfaith Hospitality Network) | 12,000 |
| St. Martins Place | 9,000 |
| Salvation Army | 30,000 |
| Sojourner House | 25,000 |
| Spiritus Christi | 14,000 |
| Veteran's Outreach Center | 16,525 |
| Volunteers of America/Emergency Housing | 8,000 |
| Volunteers of America/Homelessness Prevention Center | 10,000 |
| Wilson Commencement Park | 17,110 |
| YWCA | 7,500 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$397,525, and said amount, and \$3,799 which may be added to any agreement for emergency purposes, or so much thereof as may be necessary, is hereby appropriated from 2006-07 Emergency Shelter Grant Program Funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember Douglas abstained his vote because his wife works for the YWCA.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2006-93 And
Ordinance No. 2006-94

Re: Real Estate Policy

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are three amendments to the City Code regarding the sale and lease of real estate, the first dealing with the lease of City-owned property, the second dealing with sales to former owners, and the third representing a series of technical changes.

The first amendment has been prepared in response to the CATS/Maplestar sub-lease issue that arose last

year. As you will recall, the City agreed to a non-disturbance agreement with Maplestar that permitted the sub-lease to survive the eviction of CATS for failure to operate the Fast Ferry service. In response to that problem, City Council provided funds for a review of the City Code's language on the sale and lease of real estate to recommend any necessary changes to ensure that our policies are consistent with "best practices" in that important area of law.

John Crowe, an experienced real estate attorney at Underberg & Kessler, undertook the review and recommended a series of changes to the portion of §21 that deals with the lease of City-owned property. The changes can be summarized as follows:

- For leases of less than one year in duration, no change is proposed; the Director of Real Estate will still be empowered to enter into such leases without City Council approval.
- For leases with terms between one and ten years, City Council approval is required and the Council must find that the lease is reasonable and necessary in proportion to the public benefit. Should such a lease have the option for a renewal that would bring the total beyond ten years, the City Council would need to confirm the lease renewal no more than ninety-days and no less than thirty-days before the expiration of the lease. This would ensure that future City Councils would be able to make a judgment about the continued value of any such lease.
- For leases with a term of more than ten years, or with annual rents of more than \$50,000, City Council would be required to conduct a formal review of the independent appraisal of the value of the lease, would need to make an affirmative finding in a resolution that the lease was in the public interest, and to specify and quantify that interest.
- For all leases that require Council approval, there will be added a new default provision that specifies that if there is a "substantial change" in the use of the property or in the performance by the lessee, the lease will be considered in default. Specific terms and examples of such "substantial changes" will be individualized for each lease.
- Finally, for all leases, there will be a specific prohibition against transfers, assignments, sub-leases, or other material modifications without City Council approval. Existing requirements for lease or sale of real property, including the requirement for a 3/4 majority vote for approval, will continue in force.

The second proposed amendment has been requested by the Administration as an improved method of dealing with redemption of properties by former owners. As you know, §21-10 Sale to Former Owners sets up specific criteria for the City to resell properties that have gone through the foreclosure process to their former owners. The process is both cumbersome and carries significant costs for the former owner.

The new provision will provide a different procedure for conveying tax-foreclosed properties back to former owners. Instead of a deed from the City back to the former owner, the transaction will consist of a court order canceling the tax foreclosure deed into the City, in those cases where it is deemed to be in the City's

best interest. Like the current procedure, the new process will require payment of the taxes that should have been paid prior to the foreclosure, before the foreclosure will be canceled. But this procedure has several advantages over the current procedure.

The new process will allow the City more flexibility, so that a former owner can regain title to a property by paying enough of the taxes to get the property out of foreclosure, rather than having to pay up front all the taxes owed to date plus a surcharge. Also, the City will be able to accept the redemption payment from a former mortgage-holder, or contract vendee, or an heir or relative of the former owner. The process will be faster, and require less staff time on the part of Real Estate and Law.

All cancellations will be at the City's discretion, upon application to the court by the Corporation Counsel. Before requesting a cancellation, the Corporation Counsel will consult with other involved departments (e.g., Community Development, NET, Economic Development), to make sure that the City does not need or want to keep the property, and to evaluate the prospects of the property becoming or remaining a neighborhood problem if reconveyed. The City will be able to attach conditions to the cancellation, if deemed to be warranted. The new procedure is expected to advance the City's goals of collecting taxes, decreasing the number of properties owned by the City, and promoting responsible property ownership.

The third amendment is comprised of a series of technical changes or corrections to §21. They include:

21-2 - change "Mayor" to "Commissioner of Community Development" for approval of short-term leasing;

21-4 - change "certified check" to "cashier's check";

21-5-C - change "Property Conservation" to "NET" and reword the section to enable appropriate conditions to be added to the terms of sale;

21-5-D - change "Property Conservation" to "NET" and reword the section to ensure that the imposed conditions have been met;

21-5-F - delete the section as unnecessary;

21-6 - change "certified check" to "cashier's check" and add provision to permit fee waiver for City-sponsored projects;

21-13 - change language to reflect the need for conformity with NY State law;

21-16-B - add language to include contempt of a housing court order as a further condition of ineligibility and exclude vacant land sales from the conditions of ineligibility;

21-20 - clarify that garden permits are for up to one year.

The net result of these amendments will be a smoother, more effective, and more accountable policy on the sale and lease of real estate by the City.

Respectfully submitted,
Lois J. Giess
President

Carolee A. Conklin
Chair, Housing & Community
Development Committee

William F. Pritchard
Chair, Jobs, Economic Development
& Center City Committee

Ordinance No. 2006-93
(Int. No. 161)

Amending The Municipal Code With Respect To The Lease Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new Section 21-23:

Section 21-23. Lease of city-owned real property.

- A. The City Council deems it to be in the best interests of the City and the public to at times lease City-owned real property to responsible parties when doing so provides a benefit to the City and its residents.
- B. Consistent with the provisions of §20 of the General City Law, the Director of Real Estate, subject to approval by the City Council as set forth below, is authorized to lease City-owned real property.
- C. Pursuant to §5-29 of the City Charter, no ordinance approving a lease of City-owned real property for a period of one (1) year or longer shall be authorized unless approved by the vote of three-fourths (3/4) of all the members of the City Council. Leases with terms of one year or less shall be subject to the requirements of Section 21-18.
- D. Any proposed lease with a term of more than one year but no more than ten years shall require Council approval that:
 1. The term of the proposed lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease;
 2. If a lease contains options to renew that exceed ten years, the City Council, by the vote of three-fourths (3/4) of all the members of the City Council, must approve said renewal or extension no more than ninety (90) days and no less than thirty (30) days prior to the expiration of the lease. Conditions of any options to renew must be set forth in the proposed lease;
 3. In addition to customary provisions of default, the proposed lease shall contain a clause providing that the lease will terminate, at the City's option, upon the occurrence of defined "substantial changes" in the use of the leasehold or performance of the lease by the lessee. Enumerated examples of "substantial changes" shall be set forth in each proposed lease, to avoid a material change in the use and intent of the leasehold or the business to which the lease relates;

4. The proposed lease provides for periodic reviews of the use of the leasehold by the Director of Real Estate to determine and ensure compliance on the part of the lessee.
- E. For proposed leases that exceed ten (10) years in duration, or Fifty Thousand Dollars (\$50,000) in annual rent, the City Council shall be required, prior to voting, to:
 1. Formally review the appraisal of an independent consultant on the value of the lease;
 2. Make an affirmative finding that the proposed lease is in the public interest;
 3. Set forth with specificity the public benefit to be derived from the proposed lease.
- F. No lease of City-owned real property may be transferred, assigned, sub-let or materially amended or modified except by approval of City Council in the same manner provided by this section for a new lease. This restriction shall be set forth in all leases subject to this section.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-94
(Int. No. 162)

Amending The Municipal Code With Respect To Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 21-2 of the Municipal Code, relating to lease of property for municipal use, is hereby amended by amending Subsection B to read in its entirety as follows:

- B. The Director of Real Estate may, with approval of the Commissioner of Community Development, enter into a rental agreement for a period of less than one year, on a month-to-month basis.

Section 2. Section 21-5 of the Municipal Code, relating to public auction sales, is hereby amended by deleting the words "certified check" in each place that they appear in Subsection A thereof, and by inserting in their place the words "cashier's check".

Section 3. Section 21-5 of the Municipal Code, relating to public auction sales, is hereby amended by repealing the third sentence of Subsection C thereof, and by amending the following sentence (the present fourth sentence) to read in its entirety as follows:

From the date of conditional closing, the purchaser shall have by contract a specified time period to repair all building code violations cited by the Bureau of NET, or complete construction of an improvement on the formerly vacant lot as signified by the issuance of a Certificate of Occupancy, or meet any other applicable condition imposed by the City.

Section 4. Section 21-5 of the Municipal Code, relating to public auction sales, is hereby amended by amending Subsection D to read in its entirety as follows:

- D. After notification by the Bureau of NET or Bureau of Buildings and Zoning that a Certificate of Occupancy has been issued, or that other applicable City imposed conditions have been met, the Division of Real Estate shall notify the Law Department to record the deed.

Section 5. Section 21-5 of the Municipal Code, relating to public auction sales, is hereby amended by repealing the second sentence of Subsection F.

Section 6. Section 21-6 of the Municipal Code, relating to negotiated sales, is hereby amended by deleting the words "certified check" in each place that they appear in Subsection C thereof, and by inserting in their place the words "cashier's check", and by adding the following new sentence to the end thereof:

Such deposit may be waived in the case of City-sponsored housing development projects.

Section 7. Section 21-10 of the Municipal Code, relating to sales to former owners, is hereby repealed, and a new Section 21-10 is added to read in its entirety as follows:

Section 21-10. Cancellation of tax foreclosure deeds.

A conveyance of a property to the City through tax foreclosure may be canceled, by court order, upon application of the Corporation Counsel, where deemed to be in the City's best interest. Such application shall be discretionary on the part of the Corporation Counsel, after consultation with other affected departments, and shall require at least that the taxes and other charges due the City prior to the foreclosure be paid. Other conditions may also be imposed.

Section 8. Section 21-13 of the Municipal Code, relating to Rochester Urban Renewal Agency property sales, is hereby amended to read in its entirety as follows:

Section 21-13. Sale of Rochester Urban Renewal Agency property.

Rochester Urban Renewal property shall be sold in accordance with New York State law. The sale must be approved by the Rochester Urban Renewal Agency, and its action affirmed by City Council. The procedures for submission and selection of development proposals shall be the same as those established for the disposition of City-owned real estate.

Section 9. Section 21-16 of the Municipal Code, relating to eligibility of purchasers, is hereby amended by amending Subsection B to read in its entirety as follows:

- B. Purchasers who have lost real property through tax foreclosure proceedings within the previous five (5) years, who own property within the City of Rochester for which taxes are not current, who have had a sale cancelled by the City of Rochester within the previous three (3) years, who own property within the City of Rochester that is in violation of City codes, or

who have been held in contempt of a housing court order for failure to abate code violations, or who have been found guilty of code violations by a Municipal Code Violations Bureau hearing examiner within the previous five (5) years shall be ineligible to purchase property from the City. Where the purchaser is not an individual, these provisions shall also apply to officers, principals and related businesses or associations. Such provisions shall not apply to purchasers of unbuildable vacant land.

Section 10. Section 21-20 of the Municipal Code, relating to garden permits, is hereby amended to read in its entirety as follows:

Section 21-20. Garden permits.

Garden permits may be issued by the Director of Real Estate for use of City-owned vacant lots by the public, for gardening purposes. The permits are valid for a term of up to one (1) year and are renewable on an annual basis.

Section 11. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-95 And
Ordinance No. 2006-96

Re: Agreement - Sector Targeted Funding
Initiative: Sector 3 and Sector 5

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations as part of the Sector Targeted Funding Initiative (STFI) Program:

1. Action for a Better Community in Sector 3 for the Community Garden Beautification Project, and appropriating the necessary funds, \$40,000, from 2000-01 Cash Capital.
2. Cornhill Neighbors Association in Sector 5 for Phase II of the Adams Street Playground Renovation at 85 Adams Street, and appropriating the necessary funds, \$15,700, from 2000-01 Cash Capital.

The Sector 3 Community Garden Beautification Project, beginning in early May, will include the installation of nine garden sites at the following locations:

Traffic circle at Buffalo Road & Mt. Read Blvd
Broad Street and Smith Street
275 Driving Park Avenue
Jones Square Park
Lexington and Dewey Avenues
Maple St. and Syke St.
Plymouth Avenue and Spencer St.
Sebastian Park
Kondolf and Whitney (179 Whitney)

The Sector 3 Project Coordinator will be responsible for the volunteer crews to provide maintenance on a quarterly basis. Maintenance plans and the budget are attached.

The Sector 5 Adams Street Playground Renovation project is being completed in two phases. Phase I,

authorized in October 2004, was for the purchase and installation of playground equipment. Phase II includes installation of upgraded surfacing surrounding the new play equipment, enhanced landscaping, and adding additional tables and seats that complement the new play equipment. The project budget is attached.

The STFI Program provides funding to neighborhood groups to enable them to use their own skills, talents, and abilities to accomplish the goals of the 2010 Renaissance Plan. A \$100,000 allocation was provided for each of the City's ten sectors.

In order to receive the funding, each sector group is required to submit proposals outlining specific projects for highly visible physical improvements, or for economic development. Proposals must be collaborative, and include additional funding and/or volunteer support, and contributed services from other groups, organizations or businesses. All applicants are required to demonstrate a minimum ratio of 1:1 leveraged resources.

The required funding in Sector 5 includes: \$15,700 from Cornhill Neighbors Association; \$15,000 in a grant made possible by Senator Robach; \$2,600 from the Realtor's Charitable Foundation; and \$1,000 in donations from Corn Hill neighbors. In-kind services support includes: play equipment, site preparation and installation from the City (\$25,000). A non-match grant of \$10,000 has been provided by the Kodak R2010 program.

The required funding in Sector 3 includes: \$20,000 from a NY State Grant; \$500 from People of Dutchtown; in-kind architectural design (valued at \$2,000); volunteer services from Edison Technical High School students (valued at \$4,000); architectural service from Joseph Moroz for the Sebastian Park statue (valued at \$13,500).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-36

Ordinance No. 2006-95
(Int. No. 133, As Amended)

Authorizing An Agreement For The Sector 3 Community Garden Beautification Project As Part Of The Sector Targeted Funding Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with [Action for a Better Community, Inc.] Charles Settlement House under the Sector Targeted Funding Initiative Program for funding for the Sector 3 Community Garden Beautification Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, shall be funded from the Sector Targeted Funding Initiative.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2006-96
(Int. No. 134)

Authorizing An Agreement For Adams Street Playground As Part Of The Sector Targeted Funding Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Cornhill Neighbors Association under the Sector Targeted Funding Initiative Program for funding for renovations at the Adams Street Playground.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,700, and said amount, or so much thereof as may be necessary, shall be funded from the Sector Targeted Funding Initiative.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies & Gentlemen:

Local Improvement Ordinance No. 1558
Re: Special Assessment District Parking
Lots - Assessments and Appropriations

Transmitted herewith for your approval is legislation approving the 2006-07 assessments and appropriations for the operation and maintenance of eight neighborhood commercial and/or residential parking areas.

These Special Assessment Districts were established by the City Council in 1979. The annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the costs of snow plowing, cleaning, landscape maintenance, lighting, and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2006-07 and any balances remaining from the assessments of prior years are as follows:

| | |
|---------------------------------|-------------|
| Parking Lot Assessments - | |
| July 1, 2006 | \$59,900.00 |
| Unused Assessment - Prior Years | 15,984.26 |
| Total | \$75,884.26 |

There are three districts for which there are no assessments imposed for 2006-07:

Wadsworth Square District - The lease agreement with Ralph Parking, Inc. stipulates that Ralph Parking is to provide necessary maintenance and operation and parking privileges at no charge to assessment district residents. Any unused assessments from prior years will be applied toward future capital improvements.

Woodside/Goodwill and South Avenue Districts - The balance of unused assessments is sufficient to cover costs for 2006-07.

A breakdown of the Special Assessment District Charges is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-37

Local Improvement Ordinance No. 1558
(Int. No. 113)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the local improvement ordinances, and said new assessments are hereby appropriated from the Care and Embellishment Fund for the operation and maintenance of parking areas and neighborhood commercial or residential parking lots during 2006-07:

| <u>Parking Area</u> | <u>Unused Assessments From Prior Years</u> | <u>LIO</u> | <u>Total Amount</u> |
|---------------------|--|------------|---------------------|
| | <u>New Assessments</u> | | |
| Culver/Merchants | | 1534 | |
| \$29,700.00 | \$ -0- | | \$29,700.00 |
| Monroe Avenue | | 1441 | |
| 14,100.00 | 1,500.00 | | 15,600.00 |
| Parker Place | | 1489 | |
| 2,000.00 | 500.00 | | 2,500.00 |
| South Avenue | | 1468 | |
| -0- | 1,650.00 | | 1,650.00 |
| Wadsworth Square | | 1416 | |
| -0- | 2,434.26 | | 2,434.26 |
| North Street | | 1258 | |
| 7,000.00 | -0- | | 7,000.00 |
| Lyell Avenue | | 1548 | |
| 7,100.00 | 400.00 | | 7,500.00 |
| Woodside/Goodwill | | 1517 | |
| -0- | 9,500.00 | | 9,500.00 |

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-97
Re: Edith Street - Official Map Amendment

Transmitted herewith for your approval is legislation amending the Official Map by dedicating as public right-of-way an extension of Edith Street developed in conjunction with Phase I of the Kennedy/Olean Revitalization Project.

Phase I of the Kennedy/Olean project is near completion. Twenty-six of 28 newly constructed rental townhouses are currently occupied. An additional 39 new rental units are being constructed off-site throughout the southwest neighborhoods. Of these, 29 are completed and occupied.

The extension of Edith Street is also part of the project whereby approximately 455 feet of new roadway was constructed to connect the existing Edith Street with Doran Street. The roadway is now complete.

The street dedication was recommended for approval by the City Planning Commission on April 17, 2006. The Planning Commission report is on file with the City Clerk.

A public hearing on the dedication and naming is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-38

Ordinance No. 2006-97
(Int. No. 114)

Dedication Of Extension Of Edith Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Edith Street:

All that tract or parcel of land containing 0.478 acres, more or less, situated in the Mill Seat Tract, Short Range in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Edith Street Subdivision, Right-of-Way Dedication Map" prepared by Stantec Consulting Group, Inc., dated March 6, 2006, having Drawing No. 18388 V11 and being more particularly bounded and described as follows:

Commencing at a point of intersection of the northeasterly right-of-way line of Doran Street (60 feet wide) with the northwesterly right-of-way line of Exchange Street (66 feet wide); thence

A. N 53°34'06" W, along said northeasterly right-of-way line, a distance of 124.46 feet to the Point of Beginning of the hereinafter described parcel; thence

1. N 53°34'06" W, continuing along said northeasterly right-of-way line, a distance of 50.00 feet to a point; thence
2. N 36°25'54" E, a distance of 30.11 feet to a point of curvature; thence
3. Northerly, along a curve to the left, having a radius of 75.00 feet, through a cen-

tral angle of 51°10'54", a distance of 67.00 feet to a point of tangency; thence

4. N 14°44'59" W, a distance of 133.75 feet to a point of curvature; thence
5. Northwesterly, along a curve to the left, having a radius of 125.00 feet, through a central angle of 38°49'07", a distance of 84.68 feet to a point of tangency; thence
6. N 53°34'06" W, a distance of 61.15 feet to a point; thence
7. N 36°25'54" E, a distance of 50.00 feet to a point; thence
8. S 53°34'06" E, a distance of 61.15 feet to a point of curvature; thence
9. Southeasterly, along a curve to the right, having a radius of 175.00 feet, through a central angle of 38°49'07", a distance of 118.56 feet to a point of tangency; thence
10. S 14°44'59" E, a distance of 133.75 feet to a point of curvature; thence
11. Southerly, along a curve to the right, having a radius of 125.00 feet, through a central angle of 51°10'54" E, a distance of 111.66 feet to a point of tangency; thence
12. S 36°25'54" W, a distance of 30.11 feet to the Point of Beginning.

Subject to any easements or encumbrances of record.

Section 2. The dedication authorized herein shall take effect upon certification in writing by the City Engineer that the conditions identified by the City Engineer to the City Planning Commission have been met.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-98,
Ordinance No. 2006-99, And
Ordinance No. 2006-100
Re: Community Development Plan/2006-07
Draft Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan / 2006-07 Draft Annual Action Plan. This legislation will:

1. Approve the 2006-07 Draft Annual Action Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements; and,
3. Approve the appropriation and the use of Urban Development Action Grant principal and in-

terest repayments estimated to be available during the 2006-07 program year.

The Action Plan is the second annual implementation plan of the five-year 2005-2010 Consolidated Community Development Plan for the City of Rochester (Consolidated Plan).

The Consolidated Plan identifies the overall housing and community development needs and outlines a strategy to address those needs. It describes housing and homeless needs and market conditions, sets forth a strategy establishing priorities, identifies federal and other resources anticipated being available and outlines the proposed use of those resources. The Plan brings together, in one consolidated submission, the planning and application requirements for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Down Payment Initiative (ADDI), Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA).

For Program Year 2006-07 (July 1, 2006 - June 30, 2007), the Action Plan describes resources to be utilized, activities to be implemented, as well as other actions to be carried out.

To prepare the plan, the Consolidated Plan Management Process (CPMP) tool format provided by the U.S. Department of Housing and Urban Development (HUD) was used. This optional tool assists grantees in meeting the requirements of a Consolidated Plan - a Strategic Plan, up to five Annual Action Plans and up to five Consolidated Annual Performance and Evaluation Reports (CAPER). The CPMP facilitates compliance by prompting for detailed responses, assuring compliance with applicable federal statutes and regulations.

Citizens are encouraged to participate in the planning and implementation of the Consolidated Community Development Program and the Annual Action Plan. The City provides opportunities for written comments, proposals, and recommendations. It also publishes and distributes material in both English and Spanish.

The Annual Action Plan reflects the *Impact Rochester* document through these activities:

- Housing Market Analysis and development of a new Housing plan;
- Identification of actions to streamline the zoning and permitting process;
- Institution of a request-for-proposal process for awarding housing funds to ensure systems are responsive and transparent; and
- Evaluation of the Neighbors Building Neighborhoods program.

The *Goals and Policy Priorities* adopted by the Administration also guided the development of the plan. These included:

- Promote policies that grow the local economy, ensuring adequate jobs and income for all residents;
- Make investing in city properties an affordable and competitive alternative to the suburbs;
- Sustain safe and vibrant city neighborhoods and

businesses;

- Maximize home ownership;
- Assist property owners in meeting their financial obligations so they have a better chance of retaining their properties;
- Encourage owners and tenants to maintain their properties in ways that enhance value and condition;
- Provide incentives to motivate property owners to comply with building codes, to minimize the need for enforcement.

The following funded activities support our policy priorities:

- Provide more mortgage subsidies, grants and loans to encourage homeownership and the growth of neighborhood businesses;
- Expand availability of programs that assist property investors, homebuyers and tenants to maintain the value and condition of their properties;
- Focus city financial resources to leverage private investment in City real estate;
- Rehabilitate salvageable vacant homes and develop vacant lots, in partnership with businesses, universities and community development organizations, in ways that revive entire neighborhoods.

The estimated amount of revenue available is \$16,777,574, from the following sources:

| | |
|-------|--------------|
| CDBG | \$11,687,345 |
| HOME | 3,321,952 |
| ADDI | 46,831 |
| ESG | 422,446 |
| HOPWA | 599,000 |

An additional \$700,000 in Urban Development Action Grant loan and interest repayments are available for the City Development Fund.

The following table provides an indication of funding by program goal.

| <u>Goal</u> | <u>Amount</u> | <u>Percent Of Total</u> |
|--|----------------|-------------------------|
| Support Neighbors Building Neighborhoods | \$ 782,400 | 5% |
| Promote economic stability | 2,765,400 | 16 |
| Improve the housing stock | 10,149,283 | 60 |
| Respond to general community needs | 2,299,246 | 14 |
| Other | <u>781,245</u> | <u>5</u> |
| Total | \$16,777,574 | 100% |

Funding Highlights

- An evaluation of the Neighbors Building Neighborhoods process. The evaluation will contain

recommendations for strengthening the process. Funding is available in prior years to continue current programs and/or new programs.

- \$80,000 for the Business Assistance Program to provide technical assistance to forty businesses.
- \$75,000 for the Commercial Building Renovation Program. Assisted businesses are expected to create or retain seven jobs.
- \$10,000 for the High Technology Program to provide technical assistance to new/start-up businesses.
- \$50,000 for the Industrial Building Renovation Program. Assisted businesses are expected to create or retain thirty jobs.
- \$711,700 for the Industrial Revolving Loan Fund. Assisted businesses are expected to create or retain 400 jobs.
- \$50,000 for the Industrial Security Matching Grant Program for matching grants to industrial/manufacturing businesses for new security equipment.
- \$10,000 for the Matching Grant for Architectural Services Program to assist eight businesses.
- \$200,000 for the Minority Enterprise Small Business Investment Company (MESBIC) program which will provide financial assistance to fourteen businesses.
- \$40,000 for the Matching Grant Sign Program which is expected to assist twenty businesses.
- \$100,000 for the Pre-Development Grant Program for grants to businesses and eligible pre-development entities who undertake actions necessary to qualify for redevelopment costs of Brownfield sites. Assisted businesses are expected to create or retain 40 jobs.
- \$100,000 for the Security Camera/Lighting Grant Program for matching grants for the purchase and installation of security camera systems and exterior lighting. The program will assist fifty businesses.
- \$150,000 for the Targeted Business Assistance Program which will create 26 jobs.
- \$155,000 for the Targeted Commercial Exterior Improvement Program. It is anticipated that five businesses will be assisted.
- The Department of Community Development will conduct a Housing Market Analysis and develop a new Housing Policy and Plan.
- Funding from prior years is available to continue the Employer Assisted Housing Program, Home Purchase Assistance, and Rehab Rochester, and the Residential Assistance Program at current levels.
- To encourage homeownership - \$300,000 for the Buyer Assistance Program which provides closing cost/down-payment assistance of up to \$6,000 to first time, low and moderate income buyers of City program homes. It is anticipated

that 41 households will be assisted.

- \$200,000 for a variety of fair housing activities contained in the Community Choice Action Plan.
- Rehabilitation of salvageable vacant homes - \$587,000 for the Home Rochester Program will provide for the acquisition and rehabilitation of 39 vacant structures for resale to low income owner-occupants.
- \$600,393 for lead hazard reduction activities in sixty housing units. These activities assist homeowners to maintain the value and condition of their properties.
- \$300,000 for a Mortgage Default/Relief Project that will assist 200 people.
- \$2,761,000 to be used to finance various physical improvements in low and moderate income neighborhoods.
- \$1,185,000 to facilitate the development of rental projects. It is anticipated that 77 units will be assisted.
- \$50,000 for operation of the Basic Employability Skills Training project, to provide employment readiness training and job development for low and moderate income city residents.
- \$13,900 for Biz Kids I, an entrepreneurial program for city youth who create plans for their own business ventures.
- \$581,030 for programs providing rental assistance and other services to persons with HIV/AIDS and their families.
- \$43,000 for new job creation and youth programs to be determined by a Request for Proposal.
- \$20,000 for a Leader's Institute which will focus on the development of interpersonal and leadership skills for 75 students in the 4th-6th grades.
- \$37,500 for the Quad A for Kids Neighborhood Ambassador Program to provide after school and summer programming to 300 students in low-income areas of the city.
- \$50,000 for the Rochester Fatherhood Resource Initiative for services to fathers and their families geared to promoting responsible parenting.
- \$170,000 for projects to train severely at-risk young adult males.

Program Performance

The Department of Community Development and HUD annually assesses performance to determine whether the City is in compliance with statutes and whether it has the continuing capacity to implement and administer federally assisted programs.

In summary, the program accomplished the following during the 2004-05 program year:

- Assisted 391 businesses and created 153 jobs through economic development activities.

- Rehabilitated 98 housing units.
- Assisted 154 home buyers.
- Provided public services and youth programs to more than 915 people.
- Assisted 34 projects that provided homeless assistance.

The HUD Annual Community Assessment for the 2004-05 program year disclosed:

- The City has made good progress implementing the activities in the 2004-05 Annual Action Plan.
- The activities completed during 2004-05 were consistent with the City's Consolidated Plan priorities.
- The most recent Single Audit Report did not identify any deficiencies affecting program management.

Approval of the Annual Action Plan by City Council is required by HUD. Approval of the City Development Fund is required by Resolution 83-26.

A public hearing on the plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-39

Ordinance No. 2006-98
(Int. No. 135)

Approving The Consolidated Community Development Plan/2006-07 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2006-07 Annual Action Plan to be financed with \$16,777,574 available to the City of Rochester from the Community Development Block Grant, HOME Program, American Dream Down Payment Initiative, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the proposed plan was prepared according to a Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2006-07 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft

Consolidated Community Development Plan/2006-07 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-99
(Int. No. 136)

Authorizing Submission Of The Consolidated Community Development Plan/2006-07 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2006-07 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2006.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-100
(Int. No. 137)

Appropriation Of Funds For The City Development Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Program/2006-07 Annual Action Plan, the Council hereby appropriates the sum of \$700,000 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
May 16, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 115 - Authorizing Applications And Agreements For Brownfield Opportunity Area Program Grants, As Amended

Int. No. 116 - Authorizing An Application And Agreement For The Mt. Hope Gatehouse Roof Repair Project

Int. No. 117 - Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

Int. No. 118 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For Park Improvements

Int. No. 119 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 935 West Broad Street

Int. No. 120 - Authorizing An Agreement For The Installation Of Telecommunications Equipment

Int. No. 121 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street and 354 Whitney Street

Int. No. 122 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of The Former Protech Facility

Int. No. 138 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

Int. No. 139 - Bond Ordinance Of The City Of Rochester, New York, Authorizing Issuance Of \$180,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

Int. No. 140 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$50,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

Int. No. 141 - Establishing Maximum Compensation For A Professional Services Agreement For The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

Int. No. 143 - Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvement Project

Int. No. 144 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,200,000 Bonds Of Said City To Finance The Cost Of Phase II Improvements To Manhattan Square Park

Int. No. 145 - Authorizing An Agreement With The FBI For The Fueling Of Vehicles

Int. No. 146 - Authorizing An Application And

Agreement For A Grant For Durand Eastman Beach

Int. No. 147 - Approving Participation In Phase II Of The I-490 Western Gateway Project - The Troup Howell Bridge

Int. No. 148 - Approving Maintenance And Energy Agreements For Phase II Of The I-490 Western Gateway Project - The Troup Howell Bridge

The Parks, Public Works & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 123 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Open Space District And Authorizing An Agreement

Int. No. 124 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts, As Amended

Int. No. 142 - Approving Changes In The Pavement Width Of West Main Street At Canal Street And At Jefferson Avenue, And Of King Street At West Main Street, And Accepting An Easement

Respectfully submitted,

Robert J. Stevenson

John F. Lightfoot

William F. Pritchard

Gladys Santiago

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-101

Re: Applications and Agreements for NYS Brownfield Opportunity Area Grants

Transmitted herewith for your approval is legislation authorizing applications to and agreements with the New York State Departments of State and Environmental Conservation for such grants as may be available under the NYS Brownfield Opportunity Area (BOA) grant program. In order to execute current and future BOA grant contracts, the DOS and DEC require a City Council ordinance authorizing the City to execute BOA state assistance contracts.

The BOA program provides 90% matching grants to municipalities and community-based organizations for area-wide brownfield planning and site assessments.

The City of Rochester has been awarded a \$90,000 BOA planning grant for a 394 acre area around Lyell Avenue, Lake Avenue, and State Street. The City Division of Environmental Quality will be working with City Planning Sector 3, business and neighborhood groups, and Action for A Better Community on this grant funded project. After initial site inventory and preliminary planning, the area can be nominated for NYS designation as a Brownfield Opportunity Area. Such designation ensures that future projects in the BOA receive preference in all NYS funding decisions.

This legislation also will authorize the Manager of the Division of Environmental Quality to serve as the Designated Authorized Representative (DAR) to act

for the City in all matters related to the BOA project including requesting reimbursements, distributing reimbursements, submitting project documentation, and to be the recipient of all NYS correspondence. The City also must commit to complete the project and agree to fund its matching share of the costs of the project.

The proposed legislation will authorize the City to submit any applications and execute any agreements that may be necessary for receipt of BOA planning and assessment grants.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-40

Ordinance No. 2006-101
(Int. No. 115, As Amended)

Authorizing Applications And Agreements For Brownfield Opportunity Area Program Grants

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Departments of State and Environmental Conservation in accordance with the provisions of Section 970-r of the General Municipal Law for Brownfield Opportunity Area Program Grants [for the Lyell-Lake-State Street Project]. Upon execution of the Grant agreements, the Manager of the Division of Environmental Quality is hereby authorized to act on behalf of the City in all matters relating to State assistance under Section 970-r of the General Municipal Law, including but not limited to requesting State reimbursements, redistributing State reimbursements as appropriate, and submitting Project documentation. The City agrees that it will fund its portion of the cost of the Projects and complete the Projects.

Section 2. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-102
Re: NYS Environmental Protection Fund
Grant Application - Mount Hope
Cemetery

Transmitted herewith for your approval is legislation authorizing the submission of a grant application to the NYSEPF on behalf of the City cemeteries in the approximate amount of \$250,000.

This grant request, for approximately \$250,000, will be submitted for funding the roof replacement project for the 1874 Gatehouse at Mt. Hope Cemetery. This project is recommended in the "Buildings Deficiency

Report" issued in the fall of 2005 by the City's Architectural Services Department. All work will be completed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation as mandated for properties listed on the National Register of Historic Places by the New York State Office of Parks, Recreation and Historic Preservation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-41

Ordinance No. 2006-102
(Int. No. 116)

Authorizing An Application And Agreement For The Mt. Hope Gatehouse Roof Repair Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$250,000, for funding for the Mt. Hope Gatehouse Roof Repair Project.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-103
Re: Agreements - Resident Project
Representation Services

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for resident project representation services:

| <u>Firm</u> | <u>Amount</u> |
|---|----------------|
| Corneles Engineering P.C. 3495 Winton Place Rochester, NY | \$100,000 |
| LaBella Associates P.C. 300 State Street Rochester, NY | 100,000 |
| Lu Engineers 2230 Penfield Road Rochester, NY | <u>100,000</u> |
| Total | \$300,000 |

The total cost of the agreements, \$300,000, will be financed from the 2005-06 Street Cash Capital allocation (\$175,000), the 2004-05 Water Cash Capital allocation (\$25,000), and from the proceeds of Street Bond Ordinance No. 2005-59 (\$75,000) and Water Bond Ordinance No. 2004-111 (\$25,000).

Typically, resident project representation or inspection services for construction projects are provided on a project-by-project basis, by both City staff and consultants. During summer construction season, when sufficient City personnel are not available, these agreements for general services allow for greater flexibility in assignments, which can expedite project management and completion.

A request for qualifications was solicited from 24 local firms; these firms responded and were rated:

Corneles Engineers
Dewberry
La Bella Associates
Clark Patterson
Lu Engineers
Passero Assoc.
Erdman and Anthony
DJ Parrone
Stantec
MRB Group
Larsen Engineers
FRA
Fisher Assoc.
Bergmann

The three selected were chosen based on qualifications and availability of staff. Services will be provided at specified hourly rates for a variety of projects as requested by the Department of Environmental Services. Agreements will be for two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-103
(Int. No. 117)

Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements between the City and Corneles Engineering, P.C., LaBella Associates, P.C. and Lu Engineers for construction resident project representation services for two years. The agreements may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Of said amounts, \$175,000 shall be funded from the 2005-06 Cash Capital Allocation, \$25,000 shall be funded from the 2004-05 Cash Capital Allocation, \$75,000 shall be funded from Bond Ordinance No. 2005-59, and \$25,000 shall be funded from Bond Ordinance No. 2004-111.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-104
Re: Agreement - LaBella Associates,
PC, Park Projects Resident Project
Representation Services

Transmitted herewith for your approval is legislation authorizing an agreement with LaBella Associates for resident project representation services related to Parks projects. The total cost of the agreement will be \$60,000, which will be financed from 2004-05 Cash Capital.

Typically, resident project representation or inspection services for the construction of Parks projects are provided on a project-by-project basis. However, during peak construction season, it is helpful to have an agreement in place so that assignments can be made quickly. This process provides flexibility and efficiency in project management.

A request for proposal was issued; in addition to LaBella, responses were received from Corneles and Passero engineering firms. LaBella is recommended based upon their demonstrated skill and expertise, past performance, and availability of personnel.

This agreement will be for two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-104
(Int. No. 118)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For Park Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C., for resident project representation services related to parks improvements for two years. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-105
Re: Amendatory Agreement - LaBella
Associates

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C. (LaBella) for environmental remedial investigation and remedy selection services in connection with a brownfield property at 935 West Broad Street. The maximum cost of this amendatory agreement will be \$23,120, which will be financed from a 2003 brownfield assessment grant from the U.S. Environmental Protection Agency (EPA) Brownfield Redevelopment Initiative. This will bring the total cost of site investigation services performed by LaBella for the 935 West Broad Street site to \$75,400.

The former Caribbean Service Center site, located at 935 West Broad Street, was abandoned and tax delinquent for several years. The City acquired the property through foreclosure in 2003 and, in October 2004, City Council authorized an agreement with LaBella for a site investigation, reuse concept planning and selection of a recommended approach for site cleanup. The investigation is nearing completion and a corrective action plan for cleanup is being developed.

LaBella will complete additional services required by the NYS Department of Environmental Conservation (DEC), and additional services required to plan and design the cleanup phase, as follows:

- a. Additional sampling, testing, and engineering needed to design the required groundwater treatment system;
- b. Additional laboratory testing for profiling of contaminated soil for off-site disposal;
- c. Site maintenance, signage and security measures; and
- d. Development of detailed cleanup cost estimates.

A remedial investigation report and recommendations for cleanup were submitted to the DEC in February 2006. Soil and groundwater cleanup are expected to begin in the fall of 2006 after approval of the Corrective Action Plan by the DEC. In December 2005, an application for a \$200,000 EPA brownfield grant was submitted; the EPA is expected to announce awards in June 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-42

Ordinance No. 2006-105
(Int. No. 119)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Environmental Cleanup Of 935 West Broad Street**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$23,120, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for environmental remedial investigation and remedy selection services relating to 935 West Broad Street. Said amount is hereby appropriated from 2003 Brownfield Redevelopment Initiative Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-106
Re: Agreement - Next G
Telecommunications/
Right-of-Way

Transmitted herewith for your approval is legislation authorizing an agreement with Next G, 2216 O'Toole Avenue, San Jose, California 95131, to allow the installation of telecommunications equipment on City-owned street light poles within the public right-of-way.

In exchange, the City will receive 5% of the gross revenue received by Next G from all customers receiving service through this equipment. The City will also receive a \$500 annual attachment fee per pole, or \$60 per pole where only wi-fi equipment is being installed, until such time as the equipment is removed from the right-of-way. Payment rates were established using current market rates for similar installations in other cities. At this time, the number of poles upon which this equipment will be installed is unknown. The maximum term of the agreement will be five years.

As part of the agreement, the City will reserve the right to approve or deny each location. This will be executed through the City's existing permit process for the right-of-way which is administered by the Bureau of Architecture and Engineering. The applicant, Next G, will apply pole-by-pole for the installation and subsequent maintenance of the equipment. Next G will pay to the City all fees associated with each permit in addition to the annual payments noted above.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-106
(Int. No. 120)

**Authorizing An Agreement For The Installation
Of Telecommunications Equipment**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Next G for the installation of telecommunications equipment on City-owned street light poles within the right-of-way. Next G shall be required to obtain City permits for all installations. The agreement shall extend for a term of five years.

Section 2. The agreement shall obligate Next G to pay all permit fees as well as a \$500 annual attachment fee per pole, or \$60 per pole per year where only wi-fi equipment is being installed, until such time as the equipment is removed. Next G shall also pay to the City 5% of the gross revenue received by Next G from all customers serviced by the equipment.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-107
Re: Agreement - Lu Engineers Investigation
and Remedy Selection

Transmitted herewith for your approval is legislation authorizing an agreement with Lu Engineers, 2230 Penfield Road, Penfield, NY, for an amount of \$209,600 for services related to brownfield properties at 415 Orchard Street and 354 Whitney Street (Site); and appropriating \$169,876 in 1996 Clean Water Clean Air Bond Act grant funds to partially fund the cost of the agreement. The remaining \$39,724 will be financed from 2005-06 Cash Capital.

The grant is part of the State's Environmental Restoration Program (ERP), which reimburses municipalities for up to 90% of eligible brownfield site investigation and cleanup costs. The program also reimburses eligible asbestos testing and abatement costs associated with cleanup at a rate of 50%. In addition to reimbursement of project costs, the ERP provides indemnification from the State of New York to the City and all subsequent owners of the remediated sites.

The Orchard-Whitney site consists of two tax delinquent parcels with a combined area of approximately four acres. The site is in the center of a commercial/industrial area on the south side of Lyell Avenue (see attached map). Since the early 1900's, the site was used for tool and die shops, plastics manufacturing, printing operations, metal finishers, an electric company, and warehousing. From 1930 to 1967, it housed a General Motors DELCO manufacturing plant.

Both parcels have been vacant since the mid-1990s, and, in July 2003, a major fire destroyed buildings on the 354 Whitney Street parcel. The structures have been demolished and the site fenced-off. The City, through court order, has obtained access to the property for the purpose of investigation under the ERP grant program.

A request for proposal for project consulting services was issued in January 2006. Proposals were received from six firms: Lu, LaBella, Day, Stantec, Bergmann, and O'Brien and Gere. Lu is recommended based on the quality of its proposal, experience with the ERP, other City brownfield projects, the proposed project team, and reasonableness of costs.

Lu will complete a remedial investigation and develop a cleanup action plan that will include:

- a) Investigation and evaluation of subsurface contamination of soils and groundwater across the site in areas of concern;
- b) Performance of a pre-demolition asbestos survey;
- c) Performance of a comprehensive waste profiling program to identify all potential waste streams;
- d) Preparation of project remedial investigation work plans and health and safety plans for submission to the NYSDEC;
- e) Preparation of draft and final site investigation and remedy selection reports, including a data usability report;
- f) Evaluation of remedial alternatives consistent with potential site reuses and recommend a preferred approach; and
- g) Preparation of a reuse concept plan, with involvement of the community, for use by the City and those interested in redeveloping the site.

This agreement will have an initial term of one year with provisions for annual renewals for an additional two years based on mutual written agreement, if the project requires additional services. Adjustments to the costs in subsequent years will be subject to the City's approval.

The investigation and remedy selection phase is expected to be completed in the Spring of 2007. After receiving approval from the DEC for the investigation and cleanup approach, the City will be eligible to apply for cleanup grant funds. The City will need to take ownership of the property before an ERP cleanup grant contract with the DEC can be awarded.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-43

Ordinance No. 2006-107
(Int. No. 121)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$209,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for environmental investigation and remedy selection services relating to 415 Orchard Street and 354 Whitney Street. The agreement shall extend for a term of one year, with options to renew for two additional one-year terms. Of said amount, \$39,724 shall be funded from the 2005-06 Cash Capital Allocation and \$169,876 is hereby appropriated from anticipated 1996 Clean Water Clean Air Bond Act Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-108
Re: Amendatory Professional Services
Agreement with Day Environmental,
Inc.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement in the amount of \$46,780 with Day Environmental, Inc., 40 Commercial Street, Rochester, for environmental remediation and preliminary redevelopment planning for the former Phototech Imaging Systems, Inc. (Phototech) site located at 1000 Driving Park Avenue; and appropriating \$42,102 in anticipated funding from the 1996 Clean Water Clean Air Bond Act to partially cover the cost of the agreement. The remaining \$4,678 will be financed from 2005-06 Cash Capital. This will bring the total cost of Day's agreement to \$134,371.

The Phototech site totals approximately 12.5 acres and includes seventeen buildings that total more than 100,000 square feet (see attached map). The site was

developed in 1948-1950 for photographic film manufacturing, and was used for that purpose until 1991, when it was abandoned. The property was acquired by the City through tax foreclosure in 1997.

In 1997, the New York State Department of Environmental Conservation (NYSDEC) approved the reimbursement of site investigation and remedial alternatives evaluation costs to the City. Day performed the required detailed evaluation of site demolition and remedial alternatives, which has been revised and finalized as of January 2006. Following a required process of review, the DEC issued, in March 2006, a Record of Decision (ROD), which identifies the specific, approved actions required to clean the site.

Actions from the plan to be performed by Day as part of this amendatory agreement include the development of the following:

1. An instrument survey of the site, including existing structures and buildings.
2. A delineation assessment of the Federal wetland that occupies a portion of the site; this will include characterization of soils, hydrology, and vegetation.
3. Interim and final site grading plans.
4. Conceptual site redevelopment plans.

The DEC has approved Day's proposal for the scope of work identified above and has approved associated costs as eligible for 90% grant reimbursement.

Subsequent cleanup and site redevelopment will probably involve the demolition of all of the existing seventeen buildings, building decontamination and asbestos abatement, removal of the silver recovery system wastewater tank, underground vault and related piping, and remediation of soil and groundwater in several areas.

The State-issued ROD allows the City to apply for a 1996 Bond Act grant for the design, demolition, and cleanup costs, currently estimated at \$4.4 million. The Bond Act grant program reimburses 90% of environmental cleanup costs and 50% of asbestos abatement and demolition costs.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-44

Ordinance No. 2006-108
(Int. No. 122)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of The Former Phototech Facility

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$46,780, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Day Environmental, Inc. for environmental remedial planning services relating to the former Phototech Imaging Sys-

tems, Inc. site at 1000 Driving Park Avenue. Of said amount, \$4,678 shall be funded from the 2005-06 Cash Capital Allocation and \$42,102 is hereby appropriated from anticipated 1996 Clean Water Clean Air Bond Act Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-109,
Ordinance No. 2006-110,
Ordinance No. 2006-111, And
Ordinance No. 2006-112

Re: Verona Street Public Improvement Project
(Jay Street to Morrie Silver Way)

Transmitted herewith for your approval is legislation related to the Verona Street Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds totaling \$800,000 and the appropriation of the proceeds thereof to finance the cost for construction of street improvements;
2. Authorize the issuance of bonds totaling \$180,000 and the appropriation of the proceeds thereof to finance the cost for construction of water improvements;
3. Authorize the issuance of bonds totaling \$50,000 and the appropriation of the proceeds thereof to finance the cost for construction of sewer improvements;
4. Authorize an agreement with Fisher Associates, 135 Calkins Road, Rochester, NY, for Resident Project Representation (RPR) services at a cost of \$74,000, which will be financed from the street (\$60,680) and water (\$13,320) bonds issued herein.

The project includes pavement reconstruction; new curbing and sidewalks; driveway apron replacements; new water main, hydrants and water services; drainage improvements; street lighting improvements; pavement markings; and lawn restoration. A copy of the minutes from the May 31, 2005 public meeting on the project design is on file in the City Clerk's Office.

The estimated cost for construction of the project is \$755,725. An additional \$212,675 (28%) is being allocated for contingencies which include the cost of street lighting improvements. The construction of the street, water and sewer improvements will be financed from the bonds authorized herein. Construction of the traffic improvements will be financed from previously appropriated reimbursements from Monroe County.

| <u>Source</u> | <u>Construction</u> | <u>Contingency</u> | <u>RPR</u> | <u>Total</u> |
|---------------|---------------------|--------------------|------------|--------------|
| Street | \$550,375 | \$188,945 | \$60,680 | \$ 800,000 |
| Water | 151,475 | 15,205 | 13,320 | |
| | | | | 180,000 |

| | | | |
|----------------|--------------|----------|---------------|
| Sewer | | | |
| 42,600 | 7,400 | 0 | 50,000 |
| County Traffic | | | |
| <u>11,275</u> | <u>1,125</u> | <u>0</u> | <u>12,400</u> |
| Total | | | |
| \$755,725 | \$212,675 | \$74,000 | \$1,042,400 |

Fisher Associates was selected for RPR services following review of proposals received from a solicitation of 24 local consulting firms. Fisher Associates was selected based on the reviewers' rating of the firm's qualifications and their availability of staff.

Construction is expected to begin this summer and be completed in the fall.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-45

Ordinance No. 2006-109
(Int. No. 138)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$800,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$800,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-110
(Int. No. 139)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$180,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Verona Street (Jay Street to Morrie Silver Way) Public Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$180,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$180,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$180,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$180,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions

of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-111
(Int. No. 140)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$50,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Verona Street (Jay Street to Morrie Silver Way) Public Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$50,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the

City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$50,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-112
(Int. No. 141)

Establishing Maximum Compensation For A Professional Services Agreement For The Verona Street (Jay Street To Morrie Silver Way) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$74,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for resident project representation services for the Verona Street (Jay Street to Morrie Silver Way) Public Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$60,680 shall be funded from a bond ordinance adopted for street purposes and \$13,320 shall be funded from a bond ordinance adopted for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-113 And
Ordinance No. 2006-114
Re: Manhattan Square Park Public
Improvement Project

Transmitted herewith for your approval is legislation related to continued improvements at Manhattan Square Park. This legislation will:

1. Authorize an agreement with Stantec Consulting Services Inc., 2250 Brighton-Henrietta Town Line Road, Rochester, in the maximum amount of \$250,000 for resident project representation services related to the Manhattan Square Park Public Improvement project; and
2. Authorize the issuance of bonds totaling \$2,200,000 and the appropriation of the proceeds therein to finance the cost of the Stantec agreement and Phase II Improvements to Man-

hattan Square Park.

Manhattan Square Park, constructed in 1971 as part of the Southeast Loop Urban Renewal project, required major infrastructure improvements to better accommodate day-to-day park uses, as well as ice skating, entertainment and special events. It also required improvements to tie into downtown and adjacent properties, chiefly the Strong Museum. A Concept Plan for Revitalization of Manhattan Square Park was completed in 2002. The Capital Improvement Program funding is phased over five years and totals \$9,000,000.

Design of the Phase I improvements was performed by DuFresne Henry as authorized by Council on June 17, 2003. Construction of these improvements, which include renovation of the children's play area, as well as interim reactivation of the fountain and safety improvements to the electrical system began last year and will be completed this June. The cost of Phase I is \$1,098,000, financed from the proceeds authorized by Ordinance No. 2005-174.

In May 2005, Council authorized DuFresne Henry to complete design of the Phase Two improvements, including reconstruction of the ice rink and ancillary facilities. Preliminary design of these improvements was completed by DuFresne Henry as part of the first agreement.

Bids for construction of Phase II improvements were received on April 25, 2006. The work will be performed by five prime contractors at a cost of \$2,680,300 which is 10% more than the engineer's estimate. An additional \$269,700 (10%) will be allocated for contingencies. The total cost of the construction, \$2,950,000, will be financed from the bond funds appropriated herein (\$1,950,000), and from the 2005-06 Cash Capital allocation (\$1,000,000).

DuFresne Henry, the project designer, was originally selected to perform the resident project representation services based on its qualifications and understanding of the project. Stantec Consulting Services Inc. has recently acquired DuFresne Henry and will perform the services with the DuFresne Henry staff originally designated to perform the work. The cost of the agreement, \$250,000, will be financed from the balance of the bond proceeds appropriated herein.

A public informational meeting was held on April 24, 2006. A copy of the minutes of this meeting is attached.

It is anticipated that construction of the improvements will begin this summer and be completed this fall.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-46

Ordinance No. 2006-113
(Int. No. 143)

Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services Inc. for resident project representation services for Phase II of the Manhattan Square Park Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-114
(Int. No. 144)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$2,200,000 Bonds Of Said City To Finance The Cost Of Phase II Improvements To Manhattan Square Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of Phase II improvements to Manhattan Square Park within the City including, but not limited to, renovation of the ice rink and expansion of the pavilion (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,200,000. The plan of financing includes the issuance of \$2,200,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,000,000 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in an-

ticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-115
Re: Agreement - Fuel Dispensing

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Federal Bureau of Investigation (FBI) - Rochester Division for fueling of vehicles at the City's fueling station at 945 Mount Read Boulevard.

To provide greater convenience, the FBI has requested use of the City's fueling facilities. Similar use, by Monroe County and the U.S. Federal Marshal, was authorized by Council in 1994.

Under the proposed agreement, the City will provide fuel for the FBI's vehicles upon request. The FBI will reimburse the City for the actual cost of the fuel plus an administrative charge of \$.15 per gallon.

It is estimated that approximately 36,400 gallons of fuel will be used annually by the FBI office.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2006-115
(Int. No. 145)

Authorizing An Agreement With The FBI For The Fueling Of Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Federal Bureau of Investigation (FBI) whereby the City shall provide for the fueling of FBI vehicles at 945 Mt. Read Boulevard. The agreement shall obligate the FBI to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-116
Re: Land and Water Conservation Fund Grant
Application - Durand Eastman Park

Transmitted herewith for your approval is legislation authorizing the submission of a grant application to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on behalf of the City's Department of Parks, Recreation and Human Services in the approximate amount of \$100,000.

This grant application will be submitted as a part of the OPRHP's priority projects program that, for a total cost of \$100,000 or less, provides for the replacement or rehabilitation of an obsolete or unsafe youth-related recreational facility.

The project for which funding is sought is a recommendation in the City's Draft Local Waterfront Revitalization Program (LWRP). The current, adopted LWRP recommends that the Durand-Eastman Beach area be opened and developed for public swimming, car-top boat access, and parking improvements.

Any projects conducted as a result of this award will be in accordance with the County's 1975 Parks Operating agreement and will comply with the Uniform Fire Prevention and Building Code, the Americans

with Disabilities Act, the State Labor Law (including Prevailing Wage), Workers' Compensation Law, and Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-116
(Int. No. 146)

Authorizing An Application And Agreement For A Grant For Durand Eastman Beach

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation for funding for the reopening of the Durand Eastman Beach.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-117 And
Ordinance No. 2006-118
Re: I-490 Western Gateway Project,
Troup Howell Bridge - NYSDOT
Maintenance Agreements

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Department of Transportation for Phase II of the I-490 Western Gateway Project - The Troup Howell Bridge. The project is being financed by New York State Department of Transportation and the Federal Highway Administration.

The I-490 Western Gateway Project extends from the Erie Canal to the Genesee River and includes full rehabilitation of I-490 and several improvements. Phase II of the project includes the replacement of the Troup Howell Bridge and several amenities that were subsequently agreed to by the NY State Department of Transportation and paid for by NYS DOT and the Federal Highway Administration.

In exchange for these amenities, the City will agree to perform additional maintenance as follows:

- a) Benches - Repair and clean graffiti;
- b) Sidewalks, landscaping, and hardscape features - Mow, sweep, weed along both sides of the Exchange Street pocket park; graffiti removal on noise barriers;
- c) Hand rails, protective screening and river walk railings - Repair, clean, weld and paint;
- d) Bike paths along the west side of the river - Mow, weed, sweep, and pavement repair;

- e) Street system, under bridge and pedestrian trail lighting - Repair, clean, troubleshoot and provide energy; and
- f) Four decorative pylons - Minor repair, clean graffiti, welding, shoring and masonry repairs; repair, clean, troubleshoot and provide energy for internal lighting system.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-47

Ordinance No. 2006-117
(Int. No. 147)

Approving Participation In Phase II Of The I-490 Western Gateway Project - The Troup Howell Bridge

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation by the City in Phase II of the I-490 Western Gateway Project to be administered by the New York State Department of Transportation - The Troup Howell Bridge.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for participation by the City in Phase II of the I-490 Western Gateway Project - The Troup Howell Bridge. The Council hereby approves the installation of the following public amenities as a part of the I-490 Western Gateway Project and shown on the contract plans:

- a) Benches along the riverwalk.
- b) Sidewalks, landscaping, and hardscape features along Exchange Boulevard.
- c) Hand rails, protective screening and riverwalk railings.
- d) Lighted "Welcome to Rochester" and "Welcome to Corn Hill" signs.
- e) Bike paths along the west side of the river.
- f) Street and pedestrian lighting along and around Exchange Boulevard.
- g) Four large decorative pylons.
- h) Internal lighting and site-related components associated with the decorative pylons.

The City shall maintain or cause to be maintained, and provide energy for, such public amenities as follows:

- a) Benches - Repair and clean graffiti.
- b) Sidewalks, landscaping, and hardscape features - Mow, sweep, weed along both sides of the Exchange Street pocket park; graffiti removal on noise barriers.
- c) Hand rails, protective screening and riverwalk railings - Repair, clean, weld and paint.

- d) Bike paths along the west side of the river - Mow, weed, sweep, and pavement repair.
- e) Street system, under bridge and pedestrian trail lighting - Repair, clean, troubleshoot and provide energy.
- f) Four decorative pylons - Minor repair, clean graffiti, welding, shoring and masonry repairs; repair, clean, troubleshoot and provide energy for internal lighting system.

Section 3. This agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-118
(Int. No. 148)

Approving Maintenance And Energy Agreements For Phase II Of The I-490 Western Gateway Project - The Troup Howell Bridge

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Department of Transportation whereby the City shall be responsible for maintenance and energy for the public amenities installed as a part of Phase II of the I-490 Western Gateway Project - The Troup Howell Bridge.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1559
Re: Assessments - South Avenue/Alexander Open Space District

Transmitted herewith for your approval is legislation approving the annual maintenance budget for the South/Alexander Open Space Special Assessment District and apportioning this cost among the properties included in the district.

The District was established by Local Improvement Ordinance No. 1537 in August 2004 and includes 256 properties. The landscaped open space which the district supports is located at 62 Alexander Street, at the intersection of Alexander Street and South Avenue. It was developed in 2005 through the Sector Targeted Funding Initiative and is known as Nathaniel Square.

In accordance with the ordinance establishing the district, the maintenance budget is established annually. The maintenance costs are to be allocated among the parcels in the district in proportion to their assessed values (without reduction for exemptions). The allocations are made utilizing a two-tiered system, based

upon their proximity to the open space. The Outer Tier parcels are charged at half the rate of the Inner Tier parcels.

The enabling legislation found that it would be impracticable to select a maintenance contractor through competitive bidding, and designated the South Wedge Planning Committee (SWPC) to provide maintenance. In accordance therewith, SWPC has submitted a 2006-07 maintenance budget of \$6,500. The resulting assessments are:

Inner Tier parcels - \$.40 per \$1,000 assessed value;

Outer Tier parcels - \$.20 per \$1,000 assessed value.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1559
(Int. No. 123)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Open Space District And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2006-07 fiscal year for the South Avenue/Alexander Open Space District is established at \$6,500, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1537.

Section 2. The Mayor is further authorized to enter into an agreement with the South Wedge Planning Committee for the maintenance of the South Avenue/Alexander Open Space District. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1560
Re: Street Lighting Districts

Transmitted herewith for your approval is legislation approving the appropriations and assessments for the following street lighting districts:

| <u>LIO</u> | <u>District</u> | <u>2006-07</u> | <u>2005-06</u> | <u>Variance</u> |
|------------|------------------|----------------|----------------|-----------------|
| 1547 | Wilson Boulevard | \$ 522.76 | \$ 528.94 | \$ -6.18 |
| 1502 | Lyell Avenue I | 2,373.42 | 2,469.56 | -96.14 |

| | | | | |
|------|--------------------|-----------|----------|--------|
| 1503 | Lyell Avenue II | 2,367.47 | 2,341.33 | +26.14 |
| 1413 | Monroe I | 1,307.01 | 1,339.04 | -32.03 |
| 1412 | Monroe II | 558.68 | 585.31 | -26.63 |
| 1429 | Cascade/Washington | 1,514.78 | 1,532.74 | -17.96 |
| 1422 | Norton Street | 1,246.99 | 1,272.98 | -25.99 |
| 1472 | Lake Avenue | 3,646.92 | 3,723.41 | -76.49 |
| 1552 | St. Paul Street | 15,272.68 | 0.00 | N/A |

The districts were established to either enhance lighting levels and thereby improve security and safety or to enhance for aesthetic appearance. The costs of the original enhancements were financed by the University of Rochester (Wilson Boulevard); Community Development Block Grants funds (Lyell I & Lyell II); City funds (Monroe I & II) and federal funds (Cascade/Washington and Norton).

The proposed assessments represent the costs of energy and maintenance and/or the amortization of capital costs. They will be apportioned among the properties within the districts on the basis of front footage.

The Wilson Boulevard district, which involved the installation of six lighting fixtures, was established in 1995 and renewed in 2005 under LIO No. 1547.

The first Lyell Avenue district, established in August 1992, includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-watt with 250-watt fixtures on four poles at the aforementioned intersections.

The second Lyell Avenue district, established by the Council in May 1998, includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections.

The two Monroe Avenue districts were established in March 1998. The first includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490; the second includes 68 properties from Inner Loop to Culver Road. The districts provide for the fluting of the bronze-colored metal davit light poles, and pedestrian-level lights attached to the back of the davit poles.

The Cascade/Washington district, established in February 1999, includes 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. The enhancements consist of the differential between maintenance and operation of a standard davit system and the post top ornamental system.

Norton district was established in May 1998 and includes 9 properties along Excel Drive, from Norton and Bastian. The enhancements include pedestrian

level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures.

The Lake Avenue district, established in August 2000, includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles.

The St. Paul Street District, established in July 14, 2005, includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consists of 11 pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment includes the entire capital cost for the installation of the enhanced facilities.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1560
(Int. No. 124, As Amended)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2006-07:

| Street Lighting District | Amount | LIO |
|--------------------------|------------------------------|------|
| Wilson Boulevard | \$ 522.76 | 1547 |
| Lyell Avenue I | 2,373.42 | 1502 |
| Lyell Avenue II | 2,367.47 | 1503 |
| Monroe Avenue I | 1,307.01 | 1413 |
| Monroe Avenue II | 558.68 | 1412 |
| Cascade Historic | 1,514.78 | 1429 |
| Norton Street Urban | | |
| Renewal | 1,246.99 | 1422 |
| Lake Avenue | 3,646.92 | 1472 |
| St. Paul Street | [15,272.68] <u>15,119.24</u> | 1552 |

Section 2. This ordinance shall take effect on July 1, 2006.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-119
Re: West Main Street Streetscape Project -
Jefferson Avenue to Broad Street

Transmitted herewith for your approval is legislation related to the Streetscape project on West Main Street between Jefferson Avenue and Broad Street. This leg-

isolation will:

1. Authorize pavement width changes, as part of the streetscape master plan, as follows:
 - a) 8 foot decrease, from 50 feet to 42 feet, on West Main Street, beginning at the east curb-line of Canal Street and continuing easterly for a distance of approximately 35', at which point the curb-line will transition back to the existing street width;
 - b) 16 foot decrease, from 40 feet to 24 feet, on King Street, beginning at the intersection of West Main Street and continuing northerly for a distance of approximately 55 feet, at which point the curb-line will transition back to the existing street width; and
 - c) 8 foot increase, from 50 feet to 58 feet, on West Main Street, beginning approximately 37 feet east of the West Main Street/Jefferson Avenue intersection and continuing easterly for a distance of approximately 66 feet, at which point the curb-line will transition back to the existing street width.
2. Authorize the acceptance of an easement from Hardy Properties, Inc., owner of 601 West Main Street, for a public sidewalk to accommodate the proposed recessed parking at the West Main Street/Jefferson Avenue intersection.

The changes on West Main Street at Canal Street and on King Street are intended to improve pedestrian accessibility and to calm traffic by decreasing the distance pedestrians must cross and making them more visible to motorists.

The changes at Jefferson Avenue will provide two recessed parking spaces. The owner is renovating the storefronts and apartments of 601 West Main Street, and has requested these parking spaces to support future retail tenants. The owner has agreed to donate an easement for a public sidewalk, which is necessitated by the parking area.

The pavement width changes will be presented to the Traffic Control Board on May 2, 2006. It is anticipated that construction of these improvements will begin in summer 2006 and be completed in spring 2007. A public hearing on these changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-48

Ordinance No. 2006-119
(Int. No. 142)

Approving Changes In The Pavement Width Of West Main Street At Canal Street And At Jefferson Avenue, And Of King Street At West Main Street, And Accepting An Easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of West Main Street:

- a) An 8 foot decrease, from 50 feet to 42 feet, be-

ginning at the east curb line of Canal Street and continuing easterly for a distance of approximately 35 feet, at which point the curb line will transition back to the existing street width;

- b) An 8 foot increase, from 50 feet to 58 feet, beginning approximately 37 feet east of the West Main Street/Jefferson Avenue intersection and continuing easterly for a distance of approximately 66 feet, at which point the curb line will transition back to the existing street width.

Section 2. The Council hereby approves a 16 foot decrease, from 40 feet to 24 feet, on King Street, beginning at the intersection of West Main Street and continuing northerly for a distance of approximately 55 feet, at which point the curb line will transition back to the existing street width.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. The Council hereby approves the acceptance of a permanent easement from Hardy Properties Inc. over a portion of the parcel at 601 West Main Street, SBL# 120.44-01-04, to be used for sidewalk purposes.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
May 16, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 125 - Authorizing Agreements For Human Services Projects

Int. No. 126 - Resolution Approving Appointments To The Board Of Ethics

Int. No. 127 - Authorizing Agreements Relating To The Rochester After School Academy I Program

Int. No. 128 - Authorizing Agreements Relating To the Rochester After School Academy II Program

Int. No. 149 - Approving Apportionment Of Taxes And Charges

Int. No. 150 - Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

Int. No. 151 - Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

Int. No. 152 - Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

Int. No. 158 - Appropriating Funds For The Rochester Step-Off Event

Int. No. 40 - Authorizing An Application And

Agreements For The Friends & Families Of Murdered Children Project, Repealing Ordinance No. 2005-225 And Amending The 2005-06 Budget (As Amended by Substitution)

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
Gladys Santiago
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-120
Re: Agreements - Human Services Projects

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

| <u>Organization Project</u> | <u>Amount</u> |
|--|---------------|
| Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative | \$50,000 |
| Career Systems Development Corporation Basic Employability Skills Training Program | 50,000 |

Both projects are financed from the Community Needs allocation of the 2006-07 Community Development Block Grant.

These are considered projects with matching funds and are eligible for up to five years of funding under the Human Services funding guidelines. This will be the final year of CDBG funding for the Rochester Fatherhood Resource Initiative; the BEST program is in the fourth year of CDBG funding. The most recent agreements for these services were approved by City Council in May 2005 and July 2005, respectively.

Project information sheets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-49

Ordinance No. 2006-120
(Int. No. 125)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

| <u>Organization Project</u> | <u>Amount</u> |
|---|---------------|
| Career Systems Development Corporation BEST | \$50,000 |
| Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative (RFRI) | 50,000 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-22
Re: Appointments - Board of Ethics

Transmitted herewith for your approval is legislation to approve the following appointment and reappointments to the Board of Ethics:

Appointment:

Marla Pilaroscia
1400 East Avenue, Apt. 217
Rochester, NY 14610

Reappointments:

Frank T. Crego
55 Berkeley Street
Rochester, NY 14607

John R. Weider
335 San Gabriel Drive
Rochester, NY 14610

Andrea R. Stridiron
120 Crawford Street
Rochester, NY 14620

The purpose of the Board of Ethics is to interpret and enforce the Code of Ethics of the City of Rochester. The Board has five citizen members, appointed by City Council for three-year terms, plus a department head or other officer or employee of at least equivalent rank designated by the Mayor, and one City Councilmember; I currently serve as the Council representative on the Board.

Ms. Pilaroscia is an attorney with Maximus Federal Services, Inc.; she will replace Elizabeth Walz, who has resigned. There remains one additional vacancy on the Board that will be filled at a future date. Copies of all resumes are on file in the City Clerk's office.

Respectfully submitted,

Lois J. Giess
President

Resolution No. 2006-22
(Int. No. 126)

Resolution Approving Appointments To The Board Of Ethics

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of

Marla Pilaroscia
1400 East Avenue, Apt. 217
Rochester, NY 14610

to the Board of Ethics for a term that will expire on May 31, 2009.

Section 2. The Council hereby approves the reappointment of

Frank T. Crego
55 Berkeley Street
Rochester, NY 14607

John R. Weider
335 San Gabriel Drive
Rochester, NY 14610

Andrea R. Stridiron
120 Crawford Street
Rochester, NY 14620

to the Board of Ethics for terms that will expire on May 31, 2009.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-121
Re: Rochester After School Academy I

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt of a grant in the amount of \$1,730,000 for the operation of the Rochester After School Academy (RASA), which includes \$42,195 in indirect costs;
2. Authorize agreements totaling \$1,242,420 with the following agencies that comprise RASA I.

| <u>Agency</u> | <u>2006-07</u> |
|--------------------------------|----------------|
| School Partner | |
| Puerto Rican Youth Development | |
| Edison Tech | \$ 123,002 |
| Boys & Girls Club of Rochester | |
| Benjamin Franklin | 141,635 |
| Center for Dispute Settlement | |
| Wilson High School | 140,600 |

| | |
|---|--------------------|
| Center for Youth Services | |
| East High School | 135,506 |
| Society for the Protection and Care of Children | |
| Frederick Douglass | 130,562 |
| Baden Street Settlement | |
| School # 9 | 127,510 |
| North East Area Development | |
| School # 33 | 132,049 |
| YMCA of Greater Rochester | |
| School # 36 | 149,093 |
| Coordinated Care Services, Inc. | |
| Year Round Service Provider | 150,675 |
| Rochester City School District | |
| Liaison | 11,788 |
| | <u>\$1,242,420</u> |

\$445,385 of the grant has been included in the proposed 2006-07 Budget of the Department of Parks and Recreation to be used for the following sites of RASA I with DPRHS acting as lead agency.

| | |
|-----------------------------|------------------|
| Monroe High School | \$ 95,899 |
| School # 28 | 105,049 |
| School # 39 | 87,082 |
| Administration & Management | <u>157,355</u> |
| | <u>\$445,385</u> |

In March 2003, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City for RASA I program. RASA I is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA I operates eleven Academies (Community Learning Center sites) at Title I schools, and will serve 950 students and 325 family members. This is the fifth year of a five-year grant. The most recent agreement for these services was approved on June 14, 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-121
(Int. No. 127)

Authorizing Agreements Relating To The Rochester After School Academy I Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy I (RASA I) Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Rochester After School Academy I Program:

| <u>Agency</u> | <u>School/Agency Partner</u> | <u>Amount</u> |
|----------------------------------|------------------------------|---------------|
| Puerto Rican Youth Development | | |
| Edison Tech | | \$123,002 |
| Boys and Girls Club of Rochester | | |
| Benjamin Franklin | | 141,635 |
| Center for Dispute Settlement | | |
| Wilson High School | | 140,600 |

| | |
|---|---------|
| Center for Youth Services | |
| East High School | 135,506 |
| Society for the Protection and Care of Children | |
| Frederick Douglass School | 130,562 |
| Baden Street Settlement | |
| School #9 | 127,510 |
| North East Area Development | |
| School #33 | 132,049 |
| YMCA of Greater Rochester | |
| School #36 | 149,093 |
| Coordinated Care Services, Inc | |
| Year Round Service Provider | 150,675 |
| Rochester City School District | |
| Liaison | 11,788 |
| City DPRHS | |
| Monroe High School | 95,899 |
| School #28 | 105,049 |
| School #39 | 87,082 |
| Administration | 157,355 |
| City of Rochester | |
| Indirect Costs | 42,195 |

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$1,242,420, or so much thereof as may be necessary, to fund the agreements authorized herein with outside agencies. The City Bureau of Recreation programs in the amount not to exceed \$445,385 and indirect City costs of \$42,195 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-122
Re: Rochester After School Academy II

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt of a grant in the amount of \$896,038 for the operation of the Rochester After School Academy. This amount includes \$21,855 in indirect costs; and
2. Authorize agreements totaling \$657,734 with the following agencies for RASA II:

| <u>Agency</u> | <u>School Partner</u> | <u>2006-07</u> |
|--------------------------------------|-----------------------|----------------|
| Catholic Family Center/CYO | | |
| John Marshall | | \$127,287 |
| Southwest Area Neighborhood | | |
| James Madison | | 93,628 |
| Community Place of Greater Rochester | | |
| Freddie Thomas | | 131,506 |
| Rochester School for the Deaf | | |
| School for the Deaf | | 194,187 |
| Rochester City School District | | |
| Liaison | | 2,012 |

| | |
|---------------------------------|------------------|
| Coordinated Care Services, Inc. | |
| Various School Sites | 109,114 |
| | <u>\$657,734</u> |

\$216,449 of the grant has been included in the proposed 2006-07 Budget of the Department of Parks and Recreation to be used for the following sites of RASA II with DPRHS acting as lead agency.

| | |
|-----------------------------|------------------|
| Jefferson High School | \$ 69,100 |
| Administration & Management | <u>147,349</u> |
| | <u>\$216,449</u> |

In March 2004, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City of Rochester for the Rochester After School Academy (RASA II) program. RASA II is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA II will operate 5 Academies (Community Learning Center sites) at Title I schools, and will serve 320 students and 320 family members. This is the fourth year of a five-year grant. The most recent agreement for these services was approved on June 14, 2005 with ordinance 2005-180 and amendment 2005-36.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-122
(Int. No. 128)

Authorizing Agreements Relating To The Rochester After School Academy II Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II (RASA II) Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Rochester After School Academy II Program:

| <u>Agency</u> | <u>School/Agency Partner</u> | <u>Amount</u> |
|--------------------------------------|------------------------------|----------------|
| Catholic Family Center/CYO | | |
| John Marshall | | \$127,287 |
| Southwest Area Neighborhood | | |
| James Madison | | 93,628 |
| Community Place of Greater Rochester | | |
| Freddie Thomas | | 131,506 |
| Rochester School for the Deaf | | |
| School for the Deaf | | 194,187 |
| Rochester City School District | | |
| Liaison | | 2,012 |
| Coordinated Care Services, Inc | | |
| Various school sites | | 109,114 |
| City DPRHS | | |
| Jefferson High School | | 69,100 |
| Administration | | <u>147,349</u> |
| City of Rochester | | |
| Indirect Costs | | 21,855 |

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$657,734, or so much thereof as may be necessary, to fund the agreements authorized herein with outside agencies. The City Bureau of Recreation Programs in the amount not to exceed \$216,449 and indirect City costs of \$21,855 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-123
Re: Apportionment of Taxes and Charges

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for eighteen properties which were subdivided or combined in 2005-06. This apportionment has been certified by the Assessor and is authorized by Section 6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on these properties. These taxes and charges, which total \$143,538.80, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

Upon approval, the taxes and charges will be added to the July 2006 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the charges in May 2006. A list of affected properties is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-123
(Int. No. 149)

Approving Apportionment Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 27, 2006, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-124
Re: Agreement - Nancy E. Abrams, PH.D.,
Civil Service Exam Development

Transmitted herewith for your approval is legislation authorizing an agreement with Nancy E. Abrams, Ph.D., of Fairport, for the continued provision of technical assistance in the development of certain Civil Service examinations. The maximum cost of this agreement will be \$15,000, which will be financed from the 2005-06 Budget of the Bureau of Human Resource Management.

Dr. Abrams has provided similar services to the City since 1980. She has assisted in the development of civil service exams for job classes in most City departments, including entry-level and promotional Police, Fire and Emergency Communications titles, specialty titles in the Library, and various titles in Law, Environmental Services, Finance, Community Development, and Economic Development.

During this contract period, Dr. Abrams will assist in job analysis leading to development of a promotional examination for the Police Department, provide technical consultation and review of select job analysis and test validation projects, and conduct staff training as needed on topics related to exam development, validation and administration.

Dr. Abrams' fee will be \$875 per day. A copy of her resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-124
(Int. No. 150)

Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nancy E. Abrams, Ph.D., for the continued provision of technical assistance in the development of Civil Service examinations. Said amount shall be funded from the 2005-06 Budget of the Bureau of Human Resource Management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-23
Re: Appointment - Civil Service Commission

Transmitted herewith for your approval is legislation confirming the appointment of Dennis Kessler, 40 Hawthorne Street, Rochester, to the Civil Service Commission. He will replace Dolores Gonzalez Habes, whose term expires May 31, 2006. Mr. Kessler's term will extend to May 31, 2012.

A copy of Mr. Kessler's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-23
(Int. No. 151)

Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Dennis Kessler, 40 Hawthorne Street, to the Civil Service Commission of the City of Rochester for a term which shall expire on May 31, 2012. Mr. Kessler shall replace Dolores Gonzalez Habes, whose term is expiring.

Section 2. This resolution shall take effect on June 1, 2006.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-125
Re: Agreement - Voyager Systems,
Police Records Management System

Transmitted herewith for your approval is legislation authorizing an agreement with Voyager Systems of Bedford, NH, for services related to the Records Management System (RMS) of the Police Department. The cost of this agreement will not exceed \$175,000 and will be financed from bonds previously authorized in Ord. No. 2004-116.

Voyager Systems will configure the Police RMS to support the electronic transfer of data for use in the Automated Field Reporting Project in the Rochester Police Department. The end result will enable wireless entry of Police Reports from the field, thus eliminating duplicate data entry, significantly reducing the amount of paper generated, and reducing staff time committed to these tasks.

Voyager Systems was chosen because they created the current custom RMS for the Police Department and have provided good service over the last six years. Their intimate knowledge of the database and software makes them well-prepared to make the required modifications.

The agreement would expire on December 31, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-125
(Int. No. 152)

Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Voyager Systems for the configuration of the Police Records Management System to support the electronic transfer of data for use in the Automatic Field Reporting Project. Said amount shall be funded from Bond Ordinance No. 2004-116.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-126
Re: Agreement - Rochester Step-Off Event

Transmitted herewith for your approval is legislation authorizing an agreement with the Community Place of Greater Rochester to support the Rochester Step-Off event on Saturday, June 3, 2006. The cost of this agreement shall not exceed \$3,500 and will be funded from the Emergency/Transitional allocation of the 2005-06 Community Development Block Grant.

The Rochester Step-Off is a community-wide after-school program for middle and high school students to participate on step teams. Youth must maintain both academic and behavioral standards in order to participate. This year there are 352 students in the program.

The Rochester Step-Off will hold its annual event at the Blue Cross Arena on Saturday, June 3, 2006. However, fundraising efforts have not been sufficient to cover the full expense of operating the program and hosting the event. In an effort to offset the increased costs of the program, we will support the Step-off event.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-126
(Int. No. 158)

Appropriating Funds For The Rochester Step-Off Event

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Emergency/Transitional allocation of the 2005-06 Community Development Program the sum of \$3,500, or so much thereof as may be necessary, to fund the Rochester Step-Off Event.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-127
Re: Agreements - Friends and Families
of Murdered Children

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation related to the Friends and Families of Murdered Children program. This legislation will:

1. Rescind Ordinance No. 2005-225, approved by Council in July 2005, which authorized an agreement with Community Place for \$50,000 to oversee the program.
2. Authorize amendatory agreements with the following individuals to implement the program, in the following amounts:

| <u>Name and Address</u> | <u>Original Contract</u> | <u>Additional Amount</u> |
|---|--------------------------|--------------------------|
| Alberton Jones 268 Spruce Avenue | \$10,000 | \$ 5,000 |
| M. Brown Long 441 Maple Street | 10,000 | 5,000 |
| Audrey Smith 9 LaCroix Court, Apt. H | 10,000 | 10,000 |

These agreements will be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Community Place, originally authorized to oversee the Friends and Families of Murdered Children project, is no longer a viable agency for this purpose. These consultants will provide service coordination, resource development, and administrative and court advocacy services to the Friends and Families of Murdered Children Project.

The group was established by the City in 1994 to address the ongoing impact of homicide and traumatic loss in our community. The project continues to offer immediate crisis intervention in the event of a homicide or violent injury, and education activities on violence and its consequences. The City's support will allow the project to seek ongoing stable funding from a variety of sources and to develop a service model that can be supported on a long-term basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-50

Ordinance No. 2006-127
(Int. No. 40)

**Authorizing An Application And Agreements
For The Friends & Families Of Murdered Children
Project, Repealing Ordinance No. 2005-225
And Amending The 2005-06 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Criminal Justice Services for a Byrne Grant to fund the Friends & Families of Murdered Children Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with Camp Good Days & Spe-

cial Times, Inc. for administration of the Friends & Families of Murdered Children Project.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$66,000, and of said amount, or so much thereof as may be necessary, \$30,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services, \$20,000 shall be funded from the 2005-06 Budget for Undistributed Expense, and \$16,000 shall be funded from the 2005-06 Budget of the Office of the Mayor.

Section 4. The sum of \$14,000, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Office of the Mayor to fund additional Friends & Families of Murdered Children Project activities. The Mayor is hereby authorized to enter into necessary agreements for the use of these funds.

Section 5. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$30,000, which amount is hereby appropriated from the Byrne Grant Funds authorized herein.

Section 7. Ordinance No. 2005-225, relating to an agreement with Community Place of Rochester for the Friends & Families of Murdered Children Project, is hereby repealed.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
May 16, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 129 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

Int. No. 130 - Authorizing Applications And Agreements And Amending The 2005-06 Budget For Fire Prevention And Safety

Respectfully submitted,
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-128
Re: Agreement - Presentation Concepts
Corporation, Emergency
Communications Center Display
System Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with Presentation Concepts Corporation, 7243 State Fair Boulevard, Syracuse, New York, for repair and maintenance of the display system at the emergency communications center. The cost of this agreement will not exceed \$25,000, and will be financed from the 2005-06 Budget of the Emergency Communications Department. The cost will be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by Council in 1994.

Presentation Concepts Corporation installed the display system in April 2005 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Emergency Communications Center. In order to avoid the additional costs it would require for another firm to familiarize itself with the system, Presentation Concepts Corporation is recommended as a sole-source maintenance provider.

Services to be provided by Presentation Concepts Corporation include inspection, any necessary repairs, parts replacement, and loaner equipment. The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-128
(Int. No. 129)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Presentation Concepts Corporation for repair and maintenance services for the display system at the Emergency Communications Center. Said amount shall be funded from the 2005-06 Budget of the Emergency Communications Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-129
Re: Budget Amendment - Fire Department

Transmitted herewith for your approval is legislation authorizing the following amendments to the 2005-06 Budget for the Fire Department and authorizing any necessary agreements related to the use of these funds:

1. Amend 2005-06 Cash Capital to include \$21,800 in grant funds received from the U.S. Department of Homeland Security for the purpose of promoting fire prevention and safety to children and adults. The funds will purchase fire and injury prevention teaching aides to be used in presentations to school children, adults, and senior citizens.

2. Amend the 2005-06 Operating Budget to include \$94,500 of the total 2005 award of \$227,600 for continued funding of the Metropolitan Medical Response System (MMRS) from the Department of Homeland Security. These funds will be used to complete work on the sustainability and capability portion of the MMRS, designed to provide response capability in the event of a terrorist attack using biological or other weapons of mass destruction. The remainder of the grant will be included in the 2006-07 Budget.
3. Amend the 2005-06 Operating Budget to include \$50,000 in funding from the State Emergency Management Office (SEMO) for the Citizens Emergency Response Team (CERT). Through CERT, citizens are trained to respond to large scale emergency situations (e.g., blizzards, ice storms) that could overwhelm professional responders. To date, more than 300 city residents have been trained.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-129
(Int. No. 130)

Authorizing Applications And Agreements And Amending The 2005-06 Budget For Fire Prevention And Safety

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$21,800 to fund fire prevention and fire safety equipment, which amount is hereby appropriated from a Department of Homeland Security grant for this purpose.

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$94,500 to fund increased response capability in the event of a terrorist attack using biological or other weapons of mass destruction, which amount is hereby appropriated from a Department of Homeland Security Metropolitan Medical Response System grant for this purpose.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$50,000 to fund the Citizens Emergency Response Team, which amount is hereby reappropriated from a State Emergency Management Office Citizens Emergency Response Team grant for this purpose.

Section 4. The Mayor is hereby authorized to submit necessary applications and enter into necessary agreements for these funds. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
May 16, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 159 - Establishing Maximum Compensation For A Professional Services Agreement For Outdoor Concerts

Int. No. 163 - Ratifying Maximum Compensation For A Professional Services Agreement For A Safety Study Of The South Avenue Parking Garage

Int. No. 164 - Ratifying The Reopening Of The Mortimer Street Parking Garage

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 131 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 153 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 160 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

Respectfully submitted,
William F. Pritchard
Dana K. Miller
Lois J. Giess
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-130
Re: Agreement - Liberty Pole Concert Series, Springut Group

Transmitted herewith for your approval is legislation authorizing an agreement with the Springut Group (Principal, Jeff Springut), 97 Park Avenue, Rochester, for \$125,000, for the production of the Liberty Pole-A-Palazzo Series of outdoor concerts. The cost of this agreement will be funded from the Undistributed allocation of the 2005-06 Budget.

Proposed is a series of free concerts to be held on five consecutive Wednesdays beginning June 28 at the Liberty Pole Plaza at Franklin Street from 5:00 to 10:30 p.m. Local visual and performing artists will be showcased with national touring bands from diverse genres of music, with an emphasis on dance bands. Café seating for 150-200 will be provided, along with art, food and beverage vendors.

Each concert will be produced for \$25,000, including entertainment, promotion, most equipment and sup-

plies. In addition, the City will provide in-kind services including barricades, stage platform, and some maintenance at an approximate cost of \$5,000 per concert, and Police services at a cost to be determined.

Revenue sharing components include 15% of any sponsorships going to Springut; and 25% of net vending sales going to the City.

These events are envisioned as re-activating an area of downtown, drawing both City and suburban residents to experience lively entertainment. It is anticipated that each concert will draw an audience of 750 - 800 people. Since alcoholic beverages will be served, the area will be roped off; appropriate permits will be obtained.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-51

Ordinance No. 2006-130
(Int. No. 159, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Outdoor Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$125,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Springut Group, Inc. for production of the Liberty Pole-A-Palazzo series of outdoor concerts. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense. The City shall also provide in-kind support services, including police services. The Springut Group, Inc. may retain 15% of sponsorship revenues. The agreement shall also provide the Springut Group, Inc. exclusive rights to vend food and beverages and merchandise to the public at the concert series, in exchange for 25% of the net revenue from the vending sales.

Section 2. Within 90 days of the close of the Liberty Pole-A-Palazzo series of outdoor concerts, a report shall be provided to the City Council itemizing the expenditures and revenues for the event. Said report shall include an accounting of all staff support and other in-kind services provided by any City department to the series.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmember Conklin, Douglas, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-131 And
Ordinance No. 2006-132
Re: South Avenue Garage Safety Study

Transmitted herewith for your approval is legislation ratifying an agreement with WJE Engineers & Architects, PC, New York City, for a safety study of the South Avenue Parking Garage, for an amount not to exceed \$50,000, to be funded from Bond Ordinance No. 2005-267.

The South Avenue Parking Garage was completed in 1971. It consists of the South Avenue and Stone Street wings. The garage has been inspected and tested regularly, and is currently undergoing rehabilitation.

The rehabilitation project, designed by Stantec Consulting Services, Inc., includes structural repair of concrete decks, beams and columns, expansion joint seals, waterproofing, and precast concrete wall panels; replacement of deck drains and piping; and replacement or repair of electric switch gear, panels and lighting. Council authorizations for Stantec were provided in February 2004, June 2005, and August 2005. Bonds in the amount of \$6.5 million were approved in August 2005. The rehabilitation work, begun Fall 2005, is being performed by Crane-Hogan Construction Company.

On April 21, 2006 portions of the helical ramp at the south end of the South Avenue wing collapsed. The inspection and testing had not identified the helical ramp as being in need of immediate rehabilitation. The City immediately closed the entire garage pending a review of its safety. WJE Engineers & Architects, PC was chosen because of their expertise, and because they have not been involved in recent studies of the garage, and could therefore offer an unbiased report.

WJE will issue a preliminary report dealing with immediate safety concerns which need to be remedied before the garage is reopened. They will also provide additional reports dealing with the cause of the collapse and a review of the rehabilitation project.

This agreement was entered into on an emergency basis. Council ratification is requested due to the significance of this agreement and to highlight the overriding concern of both Council and the administration for the safety of the garage.

The new portion of the Mortimer Street Parking Garage has been reopened to provide parking for some of the patrons displaced from the South Avenue Parking Garage. Council ratification of the reopening is also requested. The rates, hours and regulations shall be consistent with those in effect at the South Avenue Garage.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-131
(Int. No. 163)

Ratifying Maximum Compensation For A Professional Services Agreement For A Safety Study Of The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby ratified as the compensation to be paid for a professional services agreement between the City and WJE Engineers & Architects, PC for a safety study of the South Avenue Park-

ing Garage. Said amount shall be funded from Bond Ordinance No. 2005-267.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-132
(Int. No. 164)

Ratifying The Reopening Of The Mortimer Street Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby ratifies the decision of the Mayor to reopen the new portion of the Mortimer Street Parking Garage for such period of time as may be necessary to provide parking as a result of the emergency closing of the South Avenue Parking Garage. The Municipal Parking Coordinator shall establish fees consistent with those charged at South Avenue, and shall establish the hours of operation, and other necessary rules and regulations to accommodate the parkers from the South Avenue Parking Garage. The provisions of Article IV of Chapter 111 of the Municipal Code, Parking Garages Ordinance, shall be applicable in the Mortimer Street Parking Garage during its period of operation.

Section 2. This ordinance shall take effect immediately and shall apply retroactively to April 24, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1561
Re: High Falls Business Improvement District

Transmitted herewith for your approval is legislation approving the 2006-07 levy of \$25,000 for the High Falls Business Improvement District (BID) and continuing to apportion the costs among the 46 properties within the district as was originally approved in 2004-05 Budget.

The High Falls District Plan, adopted by Council in January 2004, outlines a description of the BID boundaries, the assessment formula used to determine each building owner share, and the \$25,000 budget to be used for additional clean up, beautification, landscaping, marketing, advertising and promotional materials. The BID Board is requesting the addition of security as a potential use of funds.

The District Plan is on file in the City Clerk's office.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1561
(Int. No. 131)

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The budget for the 2006-07 fiscal year for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004.

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1562
Re: 2006-2007 Downtown Enhancement District

Transmitted herewith for your approval is legislation approving the 2006-07 budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District was authorized in 1989 and most recently re-authorized in 2004. It was established to provide an enhanced level of care and maintenance in the downtown area.

In general, the District includes:

1. All properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and
2. All other properties within 1600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services. A thirteen-member advisory committee of property owners and tenants oversees DES' administration.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee. The costs are apportioned among the properties within the District using the following criteria:

- 50% is allocated based upon the assessed valuation of a property;
- 50% is allocated based upon its gross area.

In addition, costs to properties directly on Main Street or with direct access to Main Street via the enclosed walkway system are weighted at twice the factors of all other properties. All parking lots and garages, regardless of location, are included in the latter category.

The maximum permissible budget for 2006-07, based upon the seventeen-year cumulative increase in the CPI (63.5%), is \$654,000. The recommended budget is \$547,100, which is \$32,100 (5.87%) higher than the 2005-06 amount.

| <u>Category of Expense</u> | <u>2006-2007</u> | <u>2005-2006</u> | <u>Variance</u> |
|---------------------------------|------------------|------------------|-----------------|
| Salaries and wages | \$352,200 | \$353,300 | \$ -1,100 |
| Employee benefits | <u>129,900</u> | <u>109,500</u> | <u>20,400</u> |
| Total personnel | 482,100 | 462,800 | 19,300 |
| Materials and supplies | 65,100 | 74,700 | -9,600 |
| Contractual services | <u>45,100</u> | <u>33,700</u> | <u>11,400</u> |
| Total operational expense | 592,300 | 571,200 | 21,100 |
| Less operating revenues | - 33,000 | - 33,000 | - 0 |
| Total required assessments | 559,300 | 538,200 | 21,100 |
| Contingency for wage settlement | <u>19,800</u> | <u>8,800</u> | <u>11,000</u> |
| Total | \$579,100 | \$547,000 | \$32,100 |

The Enhancement District Committee approved the proposed budget by a vote of 4 to 0 on February 16, 2006.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1562
(Int. No. 153)

**Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services Related To Main Street Improvements**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2006-07 fiscal year for the Downtown Enhancement District is established at \$579,100. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444 and 1531.

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1563
Re: Downtown Guides District

Transmitted herewith for your approval is legislation authorizing an agreement with Downtown Special Services, Inc. for continued administration of the Downtown Guides Program, and approving the 2006-07 program budget and apportioning the costs among the properties within the Downtown Guides District, which was established in 1994.

Within the Inner Loop and in the High Falls, Frontier Field, and Kodak office building areas, Guides pro-

vide directions and information about downtown activities, events and attractions. They also report, via radio, any emergency situations. It is administered by Downtown Special Services, Inc., whose board includes representatives from downtown businesses, the tourist industry, and City and County governments.

The costs of the program are apportioned, based on relative assessed valuation, among all non-homestead properties within the district, except those owned by the federal or state governments.

The cost for this year will be \$317,000. Of this amount, \$2,184 will be financed from interest earnings of \$325 and website revenues of \$1,859. After an addition of a reserve for delinquent accounts of 2.95%, and reduction of an appropriated fund balance of \$83,780, the total assessment will be \$240,606, which is \$48,689 less than the 2005-06 assessment.

Assessments for individual properties will be prepared and submitted to Council for consideration. Property owners will have an opportunity to review assessments and to comment upon them at a public hearing.

Given the significant changes in the downtown environment, with major infrastructure, parking and public safety as priority issues, it is time to reexamine the purpose and priorities of the assessment district. During the next several months, the City will work with the Rochester Downtown Development Corporation to:

- Design a process to engage key public and private downtown constituencies;
- Develop alternative plans, for parking and/or public safety, for the use of funds collected under this assessment district and solicit feedback from stakeholders;
- Provide a report by December 2006 on plans that achieved the greatest consensus and recommendations of how they could be implemented.

The Administration will provide a recommendation to Council by April 2007 for future plans for this assessment district.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1563
(Int. No. 160)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2006-07 fiscal year for the Downtown Guides is established at \$240,606, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1529.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Guides Program. The agreement shall obligate the City to pay an amount not to exceed \$317,000, and of said amount, or so much thereof as may be necessary, \$240,606 is hereby appropriated from the assessments authorized herein and \$2,184 from interest and website revenues, and \$83,780 shall be funded from fund balances. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

By President Giess
May 16, 2006

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 132 - Resolution Confirming The Appointment Of The Commissioner Of Economic Development

Respectfully submitted,
Lois J. Giess
Gladys Santiago
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot
Dana K. Miller
William F. Pritchard
Robert J. Stevenson
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-24
Re: Appointment - Commissioner of
Economic Development

Transmitted herewith for your approval is legislation confirming the appointment of Carlos Carballada, 10 Elmwood Hill Lane, Rochester, NY 14610, to the position of Commissioner of Economic Development.

A copy of Mr. Carballada's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-24
(Int. No. 132)

Resolution Confirming The Appointment Of The Commissioner Of Economic Development

WHEREAS, the Mayor has appointed Carlos Carballada to the position of Commissioner of Economic Development, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the

ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Carlos Carballada as Commissioner of Economic Development.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 9:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 14, 2006
7:00 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for A Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARINGS

Pursuant to law public hearings will now be had on the following matter.

Adoption Of The Budget Estimates For Municipal Purposes For The 2006-07 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 225 One speaker, Juan Padilla.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007, And Appropriation Of Sums Set Forth Therein Int. No. 226 No speakers.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007 Int. No. 228 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2006 And Expiring June 30, 2007 Int. No. 230 No speakers.

The meeting was adjourned at 7:15 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JUNE 20, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller,

Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

Ramon Messina

RFD

William G. Geiger

*Robert M. Wegman

RPD

*Timothy Hickey

*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Special Council Meeting of May 4, 2006 and the Regular Meeting of May 16, 2006 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3843-7

Public Disclosure - HOME Participation 3844-7

Public Disclosure - HOME Participation 3845-7

The Director of Zoning Submits Notices of Environmental Determination 3846-7

THE COUNCIL PRESIDENT - PRESENTATION
AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 2001-02 Through 2005-06 Consolidated Community Development Plans By Transferring Funds For The Homebuyer Assistance Program, And Amending Ordinances, Authorizing Agreements And Appropriating Funds Int. No. 175 No speakers.

Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds For The St. Michael's II Apartments Project And Amending Ordinance No. 2006-67 Int. No. 176 No speakers

Amending A Change In The Pavement Width Of Atlantic Avenue West Of Culver Road As Approved In Ordinance No. 2005-11 And A Decrease In The

Pavement Width Of Culver Road South Of Atlantic Avenue Int. No. 186 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 20, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 168 - Authorizing An Agreement For A Neighborhood Improvement Program

Int. No. 169 - Authorizing An Agreement For The Mortgage Default Resolution Program

Int. No. 170 - Appropriating Funds For The Community Choice/Fair Housing Electronic Resource Center

Int. No. 171 - Authorizing An Agreement With NeighborWorks Rochester For The Revolving Loan Fund Program

Int. No. 172 - Authorizing Agreements For Landlord And Tenant Services, As Amended

Int. No. 173 - Appropriating Funds And Authorizing Agreement For CHDO Housing Development And Operating Assistance

Int. No. 174 - Authorizing Agreements For The Home Rochester Program

Int. No. 206 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 207 - Authorizing An Agreement For The Asset Control Area Program

Int. No. 208 - Authorizing An Agreement With Enterprise Community Partners For Housing Services

Int. No. 209 - Authorizing An Agreement For Housing Development Services

Int. No. 210 - Authorizing An Agreement For Housing Development Support

Int. No. 235 - Authorizing An Agreement For Homebuyer Training Services

The Housing And Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 175 - Amending The 2001-02 Through 2005-06 Consolidated Community Development Plans By Transferring Funds For The Homebuyer Assistance Program, And Amending Ordinances, Authorizing Agreements And Appropriating Funds

Int. No. 176 - Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds For The St. Michael's II Apartments Project And Amending Ordinance No. 2006-67

The following entitled legislation is being held in committee:

Int. No. 167 - Authorizing The Sale Of Real Estate

Int. No. 221 - Amending The Municipal Code With Respect To Certificates Of Occupancy

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas
John F. Lightfoot - (Voted against Int. No. 169)
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-133
Re: Community Development Block Grant - Neighborhood Improvement Program

Transmitted herewith for your approval is legislation authorizing an agreement with NEAD for the final phase of rehabilitation of the Landmark Building, and appropriating \$20,000 from the Other Programs, Sector Funding Initiative of the 2005-06 Consolidated Community Development Plan to fund the agreement.

The Neighborhood Improvement Program provides grants of up to \$20,000 for sector planning committees to undertake housing and community development activities. Sector 8 has requested funding for the final phase of rehabilitation of the Landmark Building at 86-90 Webster Avenue. The rehabilitated space will be utilized by three groups:

Rochester CDF Freedom School, a national youth education program coordinated by the Children's Defense Fund and hosted locally by NEAD. The five-week summer program will serve sixty neighborhood children ages 5-18.

The Beechwood Community Development Service Learning Collaborative includes #33 School, Community Place of Rochester, Mercy Outreach Center, MCC, Police Department, Webster NET, DPRHS, Beechwood Development, RIT Department of Criminal Justice, and the Children's Institute. The goal is to assure coordination and integration of services and staff of partners. The space will house the collaborative and serve as classroom space for community courses taught by MCC.

Reclaiming Rochester (Workforce Development Initiative), a NEAD/MCC partnership to provide workforce development for small neighborhood contractors, as well as un/underemployed residents who will be trained in the building trades. The partnership is recruiting 10-12 small neighborhood contractors who will complete the rehabilitation to the second floor of the Landmark Building.

A summary of Neighborhood Improvement grants provided to date is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-52

Ordinance No. 2006-133
(Int. No. 168)

Authorizing An Agreement For A Neighborhood

Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with North East Area Development (NEAD) for the Landmark Building Rehabilitation Project for the Sector 8 Planning Committee under the Neighborhood Improvement Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-134
Re: Agreement - Housing Council in
the Monroe County Area, Inc. -
Mortgage Default Resolution

Transmitted herewith for your approval is legislation authorizing an agreement with the Housing Council in the Monroe County Area, Inc., a not-for-profit corporation, for the provision of Mortgage Default Resolution services in 2006-07; and appropriating \$300,000 from the Housing Stock and General Property Conditions allocation (Mortgage Default Resolution account) of the 2006-07 Consolidated Community Development Plan to fund the agreement.

The Housing Council, a HUD-approved Counseling Agency, has provided mortgage default resolution services since 1975 and has administered the program with mortgage relief grants since 1990. These services were most recently approved by Council in June 2005. Following is a summary of performance through April, 2006.

| | <u>2005-06</u> <u>Goal</u> | <u>Ten-Month</u> <u>Goal</u> | <u>Percent</u> <u>Goal</u> |
|--|-------------------------------|---------------------------------|-------------------------------|
| Counseling cases | | | |
| 250 | 212 | 85 | |
| Mortgage Relief Grants cases completed | | | |
| 10 | 10 | 100 | |

During this period, 91% of the cases resulted in the prevention of foreclosures. The counseling and resolution process includes household budget and income analyses as well as negotiation with mortgage lenders and other parties such as HUD/FHA to arrive at appropriate resolutions, including refinancing, negotiated repayments, sale, or use of grants for eligible clients.

Of the total cost of the agreement, \$25,000 will be budgeted for mortgage relief grants. The maximum grant of \$2,500 is secured with a five-year lien against the property. The grants are intended to prevent mort-

gage foreclosure in cases of emergency when a homeowner stands a reasonable chance of resuming monthly payments. Recipients contribute personal funds when possible.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-134
(Int. No. 169)

Authorizing An Agreement For The Mortgage Default Resolution Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued administration of the Mortgage Default Resolution Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following Vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-135
Re: Agreement - Empire Justice Center, Fair
Housing Electronic Resource Center

Transmitted herewith for your approval is legislation authorizing an agreement with the Empire Justice Center, West Main Street, a not-for-profit corporation, for operation and maintenance of the Community Choice/Fair Housing Electronic Resource Center for 2006-07; and appropriating \$10,000 from the Improving the Housing Stock allocation (Fair Housing account) of the 2006-07 Consolidated Community Development Plan to fund the agreement.

The Electronic Resource Center, a component of the Community Choice Action Plan, is a website about Housing Choice and has been in operation since August, 2000. The site includes:

Information

The website is designed to help the visitor learn about fair housing, including local fair housing initiatives.

“What’s New”

This feature offers recent local, state and national news stories.

Resource Locator

Provides practical information on private housing resources, including providers of mortgage financing, real estate services and housing assistance. Links also are provided to other housing websites.

Communications

E-mail updates about the What’s New page are sent to 155 community advocates, bankers and other industry individuals. This is compared to an average of 141 recipients during the last year. An events calendar is updated monthly.

During the first ten months (July, 2005 through April, 2006) of the agreement, the average number of hits (i.e., requests made to the server) per month has increased by 39% to 20,255 hits. The average number of visits (i.e., a request from a remote site) per day increased by 39% to 303 in April.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-135
(Int. No. 170)

Appropriating Funds For The Community Choice/Fair Housing Electronic Resource Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program to fund the Community Choice/Fair Housing Electronic Resource Center operated by the Empire Justice Center.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-136
Re: NeighborWorks Rochester -
Revolving Loan Fund

Transmitted herewith for your approval is legislation authorizing an agreement with NeighborWorks Rochester (NWR), 570 South Avenue, for the continued administration of the Revolving Loan Fund Program; and appropriating \$65,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Block Grant to fund the agreement.

The Revolving Loan Fund Program (RLF) provides rehabilitation loans to homeowners who have difficulty obtaining traditional loans due to excessive debt-to-income ratio, inadequate credit or insufficient employment history.

NWR, formerly Neighborhood Housing Services of Rochester, Inc., has administered the program since its inception in 1980. The most recent agreement with NWR for RLF administration was authorized by Council in July 2005. From July 1, 2005 through April 30, 2006, 27 loans totaling \$263,059 were made. These loans leveraged an additional \$153,530 in grant funds.

NWR will originate forty new loans in 2006-07, including the following responsibilities:

1. Promotion of the program;
2. For each loan: Determine eligibility of the property owner, inspect the property, estimate rehabilitation costs, review insurance needs, provide financial counseling and loan packaging, prepare work specifications, solicit bids, provide construction management and service the loan;
3. Sell approved loans on the secondary market, if appropriate;
4. Resolve delinquencies through counseling, restructuring, or the collection of liens; and
5. Capitalization of the loan fund.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-136
(Int. No. 171)

Authorizing An Agreement With NeighborWorks Rochester For The Revolving Loan Fund Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester for the continued operation of the Revolving Loan Fund Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$65,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-137
Re: Agreements - Landlord and
Tenant Services

Transmitted herewith for your approval is legislation authorizing agreements for the provision of services to landlords and tenants. This legislation will:

1. Authorize agreements with the following organizations:

| | |
|---|----------|
| Housing Council in the Monroe County Area, Inc. | \$70,000 |
| Legal Aid Society of Rochester | 70,000 |
| Legal Assistance of Western New York | 25,000 |
2. Appropriate \$165,000 from the Improving the Housing Stock and General Property Conditions allocation (Landlord Tenant Services account) of the 2006-07 Consolidated Community Development Plan.

Housing Council

This element of the Community Development Plan’s Landlord and Tenant Services focuses on landlords’ and tenants’ awareness of their respective responsibilities and encourages improved rental property management. It provides landlord seminars, a hot line service, and one-on-one advisory services to both landlords and tenants. The most recent agreement was authorized by City Council in June, 2005. A summary of the performance between July, 2005 and April, 2006 follows.

| | 2005-06 Goal | Ten-Month Actual |
|--------------------|-----------------|---------------------|
| Seminars | 6 | 5 |
| Seminar attendance | N/A | 48 |
| | Hotline Calls | 1-on-1 |
| Counseling | 9,029 | 1,411 |

Legal Aid/Legal Assistance

These programs provide legal assistance to landlords and tenants with the goal of resolving disputes which might lead to eviction. They also provide legal representation for low-income tenants facing loss of housing support that would result in eviction. The most recent agreements were authorized by City Council in June, 2005. A summary of performance between July, 2005 and April, 2006 follows:

| Agency | Service | Number Served 7/05 - 4/06 |
|------------------|------------------------------|---------------------------------|
| Legal Aid | Mediation Court advocacy* | 30 321 |
| Legal Assistance | Client cases | 48 |

* The City’s agreement supplements United Way funds for this service. Service is conducted at Housing Court.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-53

Ordinance No. 2006-137
(Int. No. 172, As Amended)

Authorizing Agreements For Landlord And Tenant Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

| Organization | Amount |
|--|----------|
| Housing Council in the Monroe County Area, Inc. | \$70,000 |
| Legal Aid Society | 70,000 |
| [Monroe County] Legal Assistance [Corporation] of Western New York | 25,000 |

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$165,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-138
Re: Community Housing Development Organizations (CHDO)

Transmitted herewith for your approval is legislation authorizing agreements with organizations that have been designated and certified as Community Housing Development Organizations (CHDO), and with developers for the Home Rochester Program; and appropriating a total of \$656,390 (\$492,292 for development subsidies, \$164,098 for operating assistance) from the Community Housing Development Organization Program allocation of the 2006 Home Program.

The City is required to reserve at least 15% (in this case, \$492,292) of its annual HOME award to fund the development of affordable housing by non-profit CHDOs. The City is also permitted to set aside an additional 5% (\$168,098) of its HOME award to assist CHDOs on their operating costs.

To access these funds, HUD requires annual certification, which requires that organizations demonstrate that they continue to meet the requirements pertaining to legal status, organizational structure and capacity, and experience. In addition, the City reviews production, the annual audit, cost and direct labor allocation budget/plan and a roster of current board

members.

Home Rochester provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. It is anticipated that approximately 25 buyers will be assisted through the proposed appropriation. The average subsidy will be approximately \$20,000.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post- purchase homebuyer training classes and reside in the properties for a minimum of ten years.

Attached is a status report of CHDO production.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-54

Ordinance No. 2006-138
(Int. No. 173)

Appropriating Funds And Authorizing Agreements For CHDO Housing Development And Operating Assistance

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from 2006 HOME Program funds the sum of \$492,292, or so much thereof as may be necessary, to fund housing development through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs), and there is hereby appropriated from 2006 HOME Program funds the sum of \$164,098, or so much thereof as may be necessary, to fund the operating expenses of designated CHDOs.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs for use of these funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-139
Re: Home Rochester Program

Transmitted herewith for your approval is legislation relating to the Home Rochester Program. This legislation will:

1. Authorize an agreement with the Rochester Housing Development Fund Corporation, 183 East Main Street, in an amount not to exceed \$587,000, for the continuation of the Home Rochester Program;
2. Appropriate \$587,000 from the Improving the Housing Stock and General Property Conditions allocation (Home Rochester account) of the

2006-07 Consolidated Community Development Plan; and

3. Authorize any other agreements necessary for implementation of the program.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by the Rochester Housing Development Fund Corporation (RHDFC).

The proposed appropriation will provide subsidies averaging \$20,000 for the acquisition and rehabilitation of approximately thirty vacant structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation, Housing Opportunities, Inc., and any qualified Community Housing Development Organization (CHDO) which, at present, includes the following: Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development, South East Area Coalition, Southwest Area Development Corporation, Isla Housing and Development Corporation, South Wedge Planning Committee, and Ibero-American Development Corporation.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income (MFI). All purchasers are required to attend pre- and post- purchase homebuyer training classes and to reside in the properties for a minimum of ten years.

The most recent appropriation of funds for development subsidies for the Home Rochester Program was approved by City Council in June 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-139
(Int. No. 174)

Authorizing Agreements For The Home Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Rochester Housing Development Fund Corporation and any other necessary parties to provide subsidies for the acquisition and the rehabilitation of vacant structures by participating developers as a part of the Home Rochester Program.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$587,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-140
Re: Agreement - Greater Rochester
Housing Partnership, Housing
Development Support

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Housing Partnership, Inc. (GRHP) for continued financing of its operation, and appropriating \$80,000 from the Improving the Housing Stock and General Property Conditions allocation (Housing Development Support account) of the 2006-07 Community Development Plan to fund the agreement.

The GRHP was established in 1991 to promote affordable housing throughout Monroe and surrounding counties by encouraging private investment, soliciting contributions, and seeking federal and state funding. The City has provided funds to help finance the GRHP's administrative costs since its inception. The most recent allocation of \$90,000 for the continuation of these services was authorized by the City Council in July 2005. The appropriation proposed for 2006-07 funds approximately 15% of the GRHP's annual operating costs.

Following is a summary of the GRHP's accomplishments between July, 2005 and May, 2006:

1. Acquisition/Rehabilitation

Goal: Provide financing, property management services and technical assistance for houses approved for the Home Rochester program.

Status: Financial and management services were provided for properties owned by the Rochester Housing Development Fund Corporation (RHDFC); 69 properties were in the portfolio as of April. Seventy-seven were sold between July 2005 and May 2006. Secured a pool of \$16,000,000 for RHDFC.

2. Equity Investments

Goal: Continue management of the Low-Income Tax Credit Fund.

Status: All Tax Credit Fund projects are performing as projected. Invested \$630,000 in the rehabilitation of 22 rental units at Parkview Place, St. Paul Street.

3. Continue activity in support of housing choice and rental housing affordability

Goal: Provide construction loans for rental projects

Status: Provided construction loans for these rental projects in the Greater Rochester area:

| | |
|-------------------------|------------|
| Rexford (Rochester) | \$ 800,000 |
| Elmgrove (Gates) | 4,900,000 |
| West Brighton | 186,000 |
| Clayton Hgts. (Geneseo) | 3,000,000 |

| | |
|-------------------------|-----------|
| Creekside (Livonia) | 3,000,000 |
| Benton House (Penn Yan) | 173,000 |

Goal: Obtain resources to fund affordable housing development.

Status: Continued managing the Rochester Equity Fund to fill the gap in developer equity for affordable housing:

Raised additional funds to bring total to \$675,333.

Seven projects received commitments - 174 rental units and five homeowner units.

Three projects completed, receiving payments totaling \$260,000.

Administered the Feasibility Fund used to finance early stage pre-development expenses for new affordable housing.

Funded four loans totaling \$57,725. Total projects are now eight, with total funding of \$117,725.

4. Housing Trust Fund

Goal: Explore the creation, design, and potential funding of a housing trust fund.

Status: Upon request of the Mayor and County Executive, developed and submitted a proposal for creating a trust fund.

Respectfully submitted,
Patricia Maltieri
Deputy Mayor

Ordinance No. 2006-140
(Int. No. 206)

Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Housing Partnership, Inc. for continued housing services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$80,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-141
Re: Rochester Housing Development
Fund Corporation

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Development Fund Corporation (RHDFC) for the continued implementation of the Asset Control Area Program (ACAP); and, to fund the agreement, appropriating \$186,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Block Grant. This legislation also authorizes any additional agreements necessary to implement the program.

The specific responsibilities of the RHDFC are as follows:

- Acquire properties from the City and hold title to them for the rehab and marketing period;
- Assign properties to participating construction managers;
- Produce a standardized construction scope and specification for each property;
- Provide financial packaging;
- Obtain and monitor subsidy to reduce the homebuyer's purchase price;
- Monitor construction and sales processes; and
- Provide services and technical assistance to enhance the capacity of participating non-profit construction managers.

The RHDFC facilitates the City's participation in HUD's Asset Control Area Program, which obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city. To date, 206 properties have been purchased by the City. Of these, 171 have been sold to the RHDFC. At current production rates, it is anticipated that approximately 85 properties will be fully rehabilitated and sold each year. The homes sold to the RHDFC as part of HOME Rochester must be renovated and sold to income-eligible homebuyers.

The RHDFC operates in partnership with the City, Enterprise Foundation, Greater Rochester Housing Partnership (GRHP), JPMorgan Chase Bank and other commercial lenders, Community Preservation Corporation, and the United Way/Martin Luther King Memorial Housing Fund. The RHDFC Board of Directors includes representatives from participating entities, each of which invests in a \$16 million capital loan pool to fund the RHDFC's development activities. The RHDFC is administered by the GRHP.

The RHDFC Board approves construction loans for the rehabilitation of properties by participating non-profit construction managers. When possible, properties are grouped geographically for assignment to selected organizations, which receive a development fee of up to \$5,000 per property.

The RHDFC oversees the rehabilitation of the properties. The costs of administration are financed from the CDBG appropriation. Property management services are provided by the RHDFC.

Following rehabilitation, properties that are not pre-sold are handled by a private realtor who will receive

a commission of 6% for each property sold. NeighborWorks Rochester provides home ownership education and pre- and post-purchase counseling. The City provides income certification and pre-qualifying for income-eligible, prospective homebuyers.

Households with incomes of up to 115% of area median family income (MFI) for the Rochester Metropolitan Statistical Area will be eligible to purchase ACAP homes. The majority of HOME Rochester buyers are below 80% MFI. The combination of available subsidies from the City and State of New York will enable low- and moderate-income households earning as low as 40% of the MFI to realize homeownership.

The City has provided funding for these services since 2001. The most recent allocation of \$186,000 for the continuation of these services by the RHDFC was authorized by City Council in July 2005.

Since January 2004 (the beginning of the current ACAP agreement), the RHDFC rehabilitated and sold, to income-eligible households, 108 ACAP properties, and 37 properties acquired through tax foreclosure, the previous ACAP agreement, or the private market. The RHDFC currently holds title to 53 properties, fifteen of which are under contract with eligible buyers.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-141
(Int. No. 207)

Authorizing An Agreement For The Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for operating funds to support the acquisition of HUD foreclosed properties from the City as a part of the Asset Control Area (ACA) Program and the rehabilitation and resale of said properties.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-142
Re: Agreement - Enterprise Community
Partners

Transmitted herewith for your approval is legislation authorizing an agreement with Enterprise Commu-

nity Partners for the continued provision of housing and community development activities through the Rochester Community Development Collaborative (RCDC) and appropriating \$75,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Block Grant to fund the agreement.

The City has funded these services since 2001; funding for 2005-06 was \$100,000. Enterprise will provide continued administration of the RCDC program; the provision of technical assistance to the five participating agencies as well as to the Rochester Housing Development Fund Corporation (RHDFC); non-profit housing developers involved with RHDFC projects; and the City of Rochester.

Enterprise, a national non-profit housing and community development organization, formed the RCDC in 2000 in conjunction with the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and JPMorgan Chase Bank. Additional funders include Rochester Gas & Electric (RG&E), HSBC, Bank of America, and the Bruner Foundation.

Through the RCDC, Enterprise has provided a total of \$425,000 in grants to the following RCDC organizations (since August 2000 unless otherwise noted):

1. North East Neighborhood Alliance/North East Block Club Alliance (until October 2004)
2. Ibero-American Development Corporation
3. NCS Community Development Corporation
4. North East Area Development, Inc.
5. Sector 4 Community Development Corporation (since August 2003).
6. South Wedge Planning Committee, Inc. (since January 2005).

The RCDC operating support has enabled these organizations to leverage over \$26 million in neighborhood investment for housing and commercial real estate projects. 199 homes have been rehabilitated or are in the process of being rehabilitated, of which 170 have been sold to new homeowners. And, more than 126,000 square feet of commercial space has been developed by these organizations during this time frame.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-142
(Int. No. 208)

Authorizing An Agreement With Enterprise Community Partners For Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Enterprise Community Partners for technical assistance relating to housing and community development activities.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be nec-

essary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Miller abstained his vote because he is the Board Chairperson of one of the grant recipients.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-143
Re: Housing Development Support -
Urban League of Rochester Economic
Development Corporation

Transmitted herewith for your approval is legislation authorizing an agreement with the Urban League of Rochester Economic Development Corporation (ULREDC) for the continued provision of housing development services; and appropriating \$75,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Block Grant to fund the agreement.

Below is a summary of ULREDC activities for the period of July 2005 to April 2006:

| | Goal | Actual |
|-------------------------------------|------|--------|
| Home Rochester houses rehabilitated | 30 | 22 |
| Rental projects developed | 2 | 1 |
| Technical assistance | NA | 3 |
| Projects planned/researched | 2 | 5 |
| Rental units managed | NA | 112 |

Activities proposed for 2006-07 are:

Home Rochester - Rehabilitate 26 structures.

Rental Development - Develop a minimum of one rental project and seek funding to develop at least one additional project.

Technical assistance - Provide technical assistance for nonprofits as necessary.

Projects planned/researched - Continue project planning/research: two minimum.

The City has provided funding for these services since 1994. The most recent appropriation was authorized in August of 2005.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-143
(Int. No. 209)

Authorizing An Agreement For Housing Development Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-144
Re: Housing Opportunities, Inc. -
Housing Development Services

Transmitted herewith for your approval is legislation authorizing an agreement with Housing Opportunities Inc. (HOP), 7 Prince Street, in an amount not to exceed \$84,000, for the continued provision of housing development and tenant services; and, to fund the agreement, appropriating \$84,000 from the 2006-07 Improving the Housing Stock and General Properties Conditions objective (Housing Development Support allocation) of the Community Development Block Grant.

HOP has been a significant producer of affordable housing and related services for the City since 1993. Following is a summary of HOP's performance for July 1, 2005 - June 30, 2006:

| | <u>Goal</u> | <u>Actual</u> |
|--|-------------|---------------|
| Rent to Own - new affordable rental housing | 24 | 0 |
| Crerand Commons Rental Project | 0 | 48 |
| Technical assistance to other non-profits | 1 | 2 |
| Projects planned/researched | 2 | 1 |
| Susan B. Anthony Project | 35 | 35 |
| Rexford Place | 12 | 12 |
| Planning for rehabilitation of 144 Chili Ave | 1 | 1 |

Marketview Heights Collective Action Plan - HOP acted as lead agent to collaborate with the City and the Enterprise Foundation to engage residents and other stakeholders to participate in discussions about the following: outreach; streetscape and beautification; safety and security; and housing development. Action plans were developed for each of these areas. Over 150 residents participated in the project.

Activities proposed for 2006-2007 include:

Wilson Commencement Park - develop eighteen units of rental housing.

Mildred Johnson Estates - develop 23 units of single-family rent-to-own housing.

Development planning - continue working on a development plan as part of the Marketview Heights Collective Action project.

Rental Housing Project - develop 32 units of rental housing in suburban Monroe County at a site to be determined.

HOME Rochester Program - develop ten owner-occupied single family homes.

This agreement represents 11% of HOP's total budget of \$750,000.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-144
(Int. No. 210)

Authorizing An Agreement For Housing Development Support

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc., for development and management of housing units for low-income families and housing technical assistance.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$84,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-145
Re: Agreement - Homebuyer
Training Services

Transmitted herewith for your approval is legislation related to the continuation of Homebuyer Training Services. This legislation will:

1. Authorize an agreement with NeighborWorks Rochester (NWR), formerly Neighborhood Housing Services of Rochester, 570 South Avenue, in an amount not to exceed \$75,000 for the continued provision of homebuyer training; and

- 2. Appropriate \$40,000 from the Homebuyer Services allocation of the 2006-07 HOME Program and \$35,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-2007 Community Development Block Grant to fund the agreement.

The proposed agreement for service will be a continuation of the homebuyer training program which has been provided by this organization since 1994. As a condition of purchase, buyers using City assistance for the Home Expo, Home Rochester, Home Purchase Assistance and Employer Assisted Housing Initiative programs must attend homebuyer training sessions. This agreement will fund pre- and post-purchase training sessions. NWR has the capacity to train approximately 1,000 participants each year. Following is a summary of activity for the most recent agreement (July 2005 through April 2006):

Pre-purchase Training

| Number of Sessions | Total Graduates |
|---|----------------------------|
| Fastrack to Homeownership (8 hour class) | |
| 6 | 89 |
| Home Buyers Club (16 hours of classes plus one-on-one counseling) | |
| 3 Series | 24 |
| Home Purchase Made Easy (8 hour class) | |
| 4 | 69 |
| Financial Literacy (12 hour class) | |
| 1 Series begun | 7 Households participating |

Post-purchase Training

| Number of Sessions | Total Participants |
|--|--------------------|
| Making Your House Your Home (3 hour class) | |
| 5 | 68 |
| Best on the Block - Spring (3 hour class) | |
| 4 | 76 |
| Best on the Block - Fall (3 hour class) | |
| 4 | 39 |

Pre-purchase training includes "Home Purchase Made Easy" which will be offered at least monthly and "Financial Literacy" which has sessions that start every two months. Post-purchase training includes six sessions annually of "Making Your House Your Home", and four sessions each of the seasonal sessions "Best On the Block - Spring" and "Best On the Block - Fall". A description of the pre-purchase training services follows.

The majority of pre-purchase training, for mortgage-ready participants, is offered in a two-session format, "Home Purchase Made Easy", and utilizes the NeighborWorks America's Realizing the American Dream curriculum. The course is a three-hour home purchase process overview and a five-hour in-depth session on critical issues and aspects of the home purchase process.

The Financial Literacy program is designed to address financial and credit issues identified as barriers for participants who are not mortgage-ready. NWR incorporates financial literacy skills development into its longer term pre-purchase training program, using the Federal Deposit Insurance Corporation's (FDIC) MoneySmart curriculum. Completion of a six-month series of workshops will provide a solid foundation for participants to then complete homebuyer training by enrolling in "Home Purchase Made Easy".

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-145
(Int. No. 235)

Authorizing An Agreement For Homebuyer Training Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester for the continued provision of homebuyer training services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and of said amount, or so much thereof as may be necessary, \$40,000 is hereby appropriated from 2006-07 HOME Program Funds and \$35,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-146
Re: Homebuyer Assistance Program

Transmitted herewith for your approval is legislation related to the continuation of the Homebuyer Assistance Program. This legislation will:

- 1. Appropriate or re-appropriate a total of \$509,979 from the following Home Purchase Assistance Program funds for use in the Homebuyer Assistance Program:

| | | |
|------|----------|-------------------|
| 2001 | \$ 3,000 | Ord. No. 2001-178 |
| 2002 | 20,979 | Ord. No. 2002-166 |
| 2003 | 44,000 | Ord. No. 2005-77 |
| 2004 | 50,000 | Ord. No. 2005-77 |
| 2005 | 392,000 | (unappropriated) |
- 2. Amend the 2001-02, 2002-03, 2003-04, 2004-05, and 2005-06 Consolidated Community Development Plans to decrease each Home Purchase Assistance Program account and increase each Homebuyer Assistance Program account by the above amounts.

3. Authorize any necessary agreements for program implementation.

The Homebuyer Assistance Program provides assistance of up to \$6,000 to families with low or moderate incomes to purchase houses through the City's Housing Initiative, as described in the Consolidated Community Development Program. The financial assistance may be used for closing costs and/or a down payment. Recipients are required to provide a five-year promissory note. If the recipient maintains residency for five years, the note is satisfied.

Since the inception of the program in 1993, \$3,420,341 has been appropriated for the program and \$3,184,404 has been disbursed to 601 homebuyers. The total unexpended balance of prior appropriations is \$235,937; of this amount, \$82,397 is limited to households whose income is between 80% and 100% of Median Family Income (MFI) for the Metropolitan Statistical Area and \$153,540 is already committed to households with incomes under 80% MFI.

The most recent HOME appropriation for the continuation of the program was in April 2006, for \$100,000 for buyers whose incomes do not exceed 80% of MFI.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-146
(Int. No. 175)

Amending the 2001-02 Through 2005-06 Consolidated Community Development Plans By Transferring Funds For The Homebuyer Assistance Program, And Amending Ordinances, Authorizing Agreements And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2001-02 through 2005-06 Community Development Program Plans whereby within the HOME Program of the Community Development Program, the following amounts shall be transferred from the Home Purchase Assistance Program Account to the Homebuyer Assistance Program Account, which amounts are hereby appropriated to fund the Homebuyer Assistance Program:

| <u>Year</u> | <u>Amount</u> |
|-----------------------------|---------------|
| 2001-02 (2001 HOME Program) | \$ 3,000 |
| 2002-03 (2002 HOME Program) | 20,979 |
| 2003-04 (2003 HOME Program) | 44,000 |
| 2004-05 (2004 HOME Program) | 50,000 |
| 2005-06 (2005 HOME Program) | 392,000 |

Section 2. The Commissioner of Community Development is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such additional terms and conditions as the Commissioner deems to be appropriate.

Section 4. The following Ordinances are hereby amended by reducing the amounts authorized and

appropriated therein from HOME Program Funds by the following amounts:

| <u>Ordinance No.</u> | <u>HOME Program Year</u> | <u>Amount</u> |
|----------------------|--------------------------|---------------|
| 2001-178 | 2001 | \$ 3,000 |
| 2002-166 | 2002 | 20,979 |
| 2005-77 | 2003 | 44,000 |
| 2005-77 | 2004 | 50,000 |

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-147
Re: St. Michael's II Senior Apartments

Transmitted herewith for your approval is legislation amending Ordinance No. 2006-67, related to the St. Michael's II Senior Apartments affordable housing development project. This legislation will make the following changes to the previous ordinance:

Amend the 2005-06 Consolidated Community Development Plan to:

- Increase the 2005 HOME Program Rental Housing Fund account by \$150,000, from \$350,000 to \$500,000;
- Reduce the 2005 HOME Program Homebuyer Services account by \$140,000, from \$215,000 to \$75,000; and
- Decrease the 2005 HOME Program Home Purchase Assistance account by \$10,000 from \$450,000 to \$440,000.

City Council authorized and appropriated \$500,000 of HOME funds for the St. Michael's II Senior Apartments in April 2006 through Ordinance No. 2006-67. The above account transfers will facilitate this appropriation.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-147
(Int. No. 176)

Amending the 2005-06 Consolidated Community Development Plan By Transferring Funds For The St. Michael's II Apartments Project And Amending Ordinance No. 2006-67

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby within the 2005 HOME Program, the sum of \$140,000 shall be transferred from the Homebuyer Services Account and the sum of \$10,000 from the Home Purchase Assistance Program Account to the Rental Housing Account to fund the loan for the St. Michael's II Apartments Project authorized and appropriated in Ordinance No. 2006-67.

Section 2. Ordinance No. 2006-67 is hereby amended by the addition of this Plan amendment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-148
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of one property. Staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The property is a vacant lot located at 743 Genesee Street that was sold at public auction, subject to the acceptance of a development proposal. The purchasers will fence and landscape the parcel and combine it with their adjoining property.

All City taxes and other charges, except water charges, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-55

Ordinance No. 2006-148
(Int. No. 167, As Amended)

[Authorizing] Amending Ordinance No. 2006-60 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. [The Council hereby approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 743 Genesee St
S.B.L.#: 135.26-1-27
Lot Size: 40 x110
Price: \$50
Purchaser: Willie & Hilda Moore]

Ordinance No. 2006-60, relating to the sale of 1001, 1005, 1011, 1021 and 1025 Chili Avenue to Leonard Frederico, is hereby amended by authorizing the sale of the front portion of these parcels, as resubdivided to 1025 Chili Avenue LLC and the rear portion to LMF Properties LLC, instead of Leonard Frederico.

Section 2. [City taxes and other City charges, except water charges, against said property are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said property free of City tax liens and other charges.

Section 3.] This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 221
Re: City Code Amendments -
Chapters 39 and 90

Transmitted herewith for your approval is legislation amending the City Code to provide consistency regarding Certificate of Occupancy (C of O) regulations. Specifically, this legislation will amend:

1. Chapter 90 of the City Code to eliminate C of O requirements for transfer of ownership, and provide owner-occupants of two-family dwellings the ability to obtain an exemption from the C of O requirement. In addition, a C of O issued for one- and two-family dwellings will remain valid for six years.
2. Chapter 39 of the City Code, as necessary to maintain consistency with the proposed changes to Chapter 90.

These amendments are necessitated by the implementation of the new Lead-Based Paint Poisoning Prevention Code and additional inspections mandated by New York State. On January 1, 2007, all New York State municipalities will be required to perform maintenance inspections on structures having three or more dwelling units, all mixed occupancies, and all non-residential buildings every three years, instead of the current five-year cycle. These two significant alterations to the city's property inspections necessitate the proposed amendments in order for us to fulfill these statutory obligations without increasing the dedicated staff.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 221

AMENDING THE MUNICIPAL CODE WITH RESPECT TO CERTIFICATES OF OCCUPANCY

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-201 of the Municipal Code, Definitions, as amended, is hereby further amended by repealing the definition of ROOMING HOUSE.

Section 2. Section 39-213 of the Municipal Code, When a certificate of occupancy is required, as amended, is hereby further amended by amending Subsection B thereof to read in its entirety as follows:

- B. As provided in Chapter 90, the Property Conservation Code, the Commissioner may issue a certificate of occupancy certifying the lawful existence and use of any existing structure or use subject to the same standards and limitations as authorized by this section for new and altered structures and uses.

Section 3. Section 39-222 of the Municipal Code, Fees for certificates of occupancy, as amended, is hereby further amended by repealing Subsection C(3) and Subsection G thereof.

Section 4. Section 90-11 of the Municipal Code, Weatherization, is hereby amended by repealing Subsection B thereof and by relettering Subsection C as Subsection B.

Section 5. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended to read in its entirety as follows:

§ 90-16. Certificates of occupancy.

A. When required.

- (1) All structures with two or more dwelling units and any mixed-use structures containing one or more dwelling units.
- (2) In addition to the requirements of §39-213 of the City Code, a certificate of occupancy or a conditional certificate of occupancy must be obtained within ninety (90) days prior to the occurrence of any of the following:
 - (a) The reoccupancy of a dwelling which has been entirely vacant for more than two (2) months, unless a Certificate of Occupancy has been issued within a year of the reoccupancy.
 - (b) A change of occupancy or use that would bring a dwelling under a different or additional classification of the chapter, the Building Code, Zoning Code, Fire Prevention Code or other provisions of the City Code.
 - (c) The expiration or termination of a valid certificate of occupancy for a subject dwelling.
 - (d) change of occupancy whereby a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building is no longer occupied by the owner, or a spouse, child, sibling or parent of the owner. For one-family dwellings or single-family dwelling units in a mixed-occupancy building that are not occupied by an owner or a family member as required herein on January 1, 1998, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 40 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.
- (3) Subsequent to the occurrence of any event enumerated in Subsection A(2) herein, unless the Director or Commissioner has issued a certificate of occupancy or a conditional certificate of occupancy, the Director or Commissioner may order occupants of the dwelling to vacate the dwelling.

B. When waived.

- (1) Upon submission by the owner of credible evidence that a two-family dwelling is occupied in whole or in part by the owner or the owner's spouse, child, sibling or parent, the Director or Commissioner shall waive the requirement of a certificate of occupancy for a period of one year. The owner shall be entitled to renew the annual waiver upon submission of credible evidence that the property continues to be occupied in whole or in part by the owner or the owner's spouse, child, sibling or parent.
- (2) The Director or Commissioner shall issue or deny the waiver within five business days of receipt of a written request.
- (3) The owner of a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building who does not occupy the dwelling and whose dwelling is not occupied by a family member as required in Subsection A(2)(d) above may apply to the Director or Commissioner for a waiver of the requirement for a certificate of occupancy. Such waiver shall extend for a period of one year. The application for a waiver must include written documentation that the owner has attempted to market the property without success. An owner of two or more one-family dwellings or single-family dwelling units in a mixed-occupancy building that are not occupied by an owner or a family member as required in Subsection A(2)(d) above shall not be eligible for such a waiver. The Director or Commissioner shall issue or deny the waiver within five business days of the request. The Director or Commissioner is authorized to establish rules and regulations relating to the time within which a waiver application shall be filed, the type of proof that will be accepted with respect to unsuccessful attempts to market the property, the time period within which such marketing efforts shall have been made, and such further regulations as the Director or Commissioner shall deem necessary in order to assume that such waivers are not granted to dwellings which have a blighting influence upon the neighborhood. The Director or Commissioner shall also establish regulations providing for the revocation of such waivers if conditions leading to the granting of the waiver have changed, if false information was submitted with respect to an application, or if the dwelling has a blighting influence upon the neighborhood.

C. Contents of a certificate of occupancy.

All certificates of occupancy shall state that the subject dwelling substantially conforms to the provisions of this chapter, the Building Code, the Zoning Code, the New York State Multiple Residence Law (if applicable) and other provisions of the City Code.

D. Conditional certificate of occupancy.

The Director or Commissioner, in his or her discretion, may issue a conditional certificate

of occupancy prior to the occurrence of any of the events enumerated in Subsection A herein when occupancy or use of the building will not jeopardize life or property, and:

- (1) The subject dwelling is near substantial compliance with this section and all other applicable laws, ordinances and rules;
- (2) The work required to bring the dwelling into full compliance is not essential to making the building habitable;
- (3) The dwelling complies with the Zoning Code as evidenced by the endorsement of the head of the bureau or division responsible for administering the Zoning Code; and
- (4) The owner of record, or contract vendee, or lessee has agreed with the Director or Commissioner on a schedule of rehabilitation or demolition.

E. Contents of conditional certificate of occupancy.

A conditional certificate of occupancy shall state that the subject dwelling complies with the requirements of Subsection D herein and shall specify the purposes for which the building may be used in its several parts. It shall also specify the date by which the owner of record must obtain the certificate of occupancy specified in Subsection C herein and warn that failure to obtain the certificate of occupancy by the date shall be sufficient cause for revoking the conditional certificate of occupancy without further notice to the owners and other interested parties. Time limitations set forth in conditional certificates of occupancy shall constitute amendments to time limitations imposed by prior notices and orders by the Department.

F. Issuance and filing.

- (1) A certificate of occupancy shall be issued by the Department within ten (10) days after an inspection by the Department reveals that a subject dwelling is in substantial compliance with applicable laws, ordinances or rules.
- (2) A record of all certificates of occupancy, and conditional certificates of occupancy and their status, shall be kept in the office of the Director or Commissioner, and copies shall be furnished, upon request, to the public.

G. Validity of certificate of occupancy.

- (1) Expiration.
 - (a) A certificate of occupancy for either a single-family dwelling not occupied by the owner or a two-family dwelling issued on or after July 1, 2006, shall remain valid for a period of six (6) years from the date of its issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b) herein, or the failure of the dwelling

to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

- (b) A certificate of occupancy for a building containing three or more dwelling units or a mixed-occupancy building containing at least one dwelling unit issued on or after July 1, 2006, shall be valid for a period of three (3) years unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b) herein, or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

(2) Renewal.

The owner of record shall obtain a new certificate of occupancy within ninety (90) days prior to or following the expiration or termination of the valid certificate of occupancy pursuant to Subsection G(1) herein. If the new certificate of occupancy is not so obtained, the Director or Commissioner, within thirty (30) days of the expiration or termination of the valid certificate of occupancy, may cause an inspection to be made of the subject dwelling.

H. Inspections

- (1) Notwithstanding the existence of the valid certificate of occupancy, the Director or Commissioner, Fire Chief, or head of the bureau or division responsible for administering the Zoning Code, may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which they enforce.
- (2) Whenever violations of the Property Conservation Code, Building Code, Fire Prevention Code, Zoning Code or any applicable law, ordinance or rule are discovered, and those violations affect the structure's substantial compliance with the applicable law, ordinance or rule, the existing certificate of occupancy may, at the discretion of the Director or Commissioner, be declared null and void. If such declaration is made, the Director or Commissioner may order occupants of the building to vacate the building through notification to the owner(s) and the occupants of the property, in writing, in the same manner as the service of a notice and order, as set forth in § 52-6 of the Municipal Code unless an emergency exists.

I. Liability for damages.

This code shall not be construed to hold the City of Rochester responsible for any damages to persons or property by reason of inspections made pursuant to an application for a certificate of occupancy or issuance of or the failure

to issue a certificate of occupancy.

Section 6. Section 90-53 of the Municipal Code, Presumptions and obligations, is hereby amended by amending Subsections A and D to read in their entirety as follows:

- A. For purposes of this article, all paint on the interior or exterior of any residential building on which the original construction was completed prior to January 1, 1978 shall be presumed to be lead-based.
- D. Residential buildings shall be maintained free of lead-based paint hazards.

Section 7. Section 90-54 of the Municipal Code, Violations, as amended, is hereby further amended by amending Subsections A and B to read in their entirety as follows:

- A. Deteriorated paint violation.

The interior and exterior of any residential building on which the original construction was completed prior to January 1, 1978, and the exterior of any non-residential structure on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint, unless the deteriorated paint surfaces total no more than:

- (1) 20 square feet on exterior surfaces;
- (2) 2 square feet in any one interior room or space; or
- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

- B. Bare soil violation.

Bare soil shall not be present within the dripline of any residential building on which the original construction was completed prior to January 1, 1978.

Section 8. Section 90-62 of the Municipal Code, Exemptions, is hereby amended by amending Subsection B to read in its entirety as follows:

- B. The requirements of Sections 90-54 through 90-57 which are applicable to residential buildings shall not include single-family owner-occupied dwellings.

Section 9. This ordinance shall take effect two weeks after the date of its adoption.

Item held.

By Councilmember Stevenson
June 20, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 177 - Authorizing Applications And Agreements For Grant Funds

Int. No. 178 - Authorizing 1996 Clean Water/Clean Air Bond Act Applications And Agreements With The New York State Department of Environmental Conservation

Int. No. 179 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$1,726,600 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The Former Photech Site At 1000 Driving Park Avenue

Int. No. 180 - Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

Int. No. 181 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The City Hall "A" Building

Int. No. 182 - Authorizing Professional Services Agreements For Motor Vehicle Collision Repair Services

Int. No. 183 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 184 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,325,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

Int. No. 185 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Street Improvement Program

Int. No. 187 - Authorizing The Acquisition By Donation, Negotiation Or Condemnation Of A Parcel And Permanent Easements For The Atlantic Avenue Improvement Project

Int. No. 211 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Assessments

Int. No. 212 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,033,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

Int. No. 213 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

Int. No. 214 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$92,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

Int. No. 215 - Establishing Maximum Compensation For A Professional Services Agreement For The Hollenbeck Street (Norton Street To East Ridge Road)

Public Improvement Project

Int. No. 216 - Establishing Maximum Compensation For A Professional Services Agreement For A Reservoir Study

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 186 - Amending A Change In The Pavement Width Of Atlantic Avenue West Of Culver Road As Approved In Ordinance No. 2005-11 And A Decrease In The Pavement Width Of Culver Road South Of Atlantic Avenue, Authorizing Agreements And Appropriating Funds, As Amended

The following entitled legislation is being held in committee:

Int. No. 217 - Authorizing An Amendatory Agreement With The County Of Monroe For The Operation And Maintenance Of A Portion Of The Durand Eastman Beach, Accepting Easements And Amending The 2005-06 Budget

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-149
Re: New York State Program Grants

Transmitted herewith for your approval is legislation authorizing grant applications to New York State for funding of projects put forth in the Local Waterfront Revitalization Program and the Parks Program; and authorizing agreements with the appropriate NY State departments for the receipt and use of the grants, should they be awarded.

There are four Local Waterfront Revitalization Program projects for which funds are sought from the NYS Department of State:

- Genesee River Trail (Corn Hill to Lower Falls Park) Signage/Street Crossing Improvement Project (estimated project cost: \$120,000),
- Erie Harbor Park Project (estimated project cost: \$80,000),
- Vincent Street site plan, trail design, and environmental assessment project (estimated project cost: \$140,000),
- Brooks Landing Waterfront design and construction project (estimated project cost: \$1,000,000).

There is one Parks Program project for which funds are sought from the NYS Office of Parks, Recreation and Historic Preservation:

- Planning and design of a Community Water Sports Facility in Genesee Valley Park West (estimated project cost: \$450,000).

The grants provide up to 50 % of the project cost. Local matches for these grants are provided for in current City plans. The Genesee River Trail, Erie Harbor Park and the Vincent Street projects are planned for in the 2006-07 Capital Improvement program for trails. Brooks Landing improvements are currently out to bid and the cost of this contract can be used as the local match. Funding for the Community Water Sports Facility will be from future Capital Improvement Programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-149
(Int. No. 177)

Authorizing Applications And Agreements For Grant Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of State under the Local Waterfront Revitalization Program for funding for the Genesee River Trail (Corn Hill to Lower Falls Park) Signage/Street Crossing Improvement Project, the Erie Harbor Park Project, the Vincent Street Project and the Brooks Landing Waterfront Project.

Section 2. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding under the Parks Program for planning and design of a Community Water Sports Facility in Genesee Valley Park West.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-150
Re: Applications and Agreements for
NYS Environmental Restoration
Program Grants

Transmitted herewith for your approval is legislation updating the authorization of applications to and agreements with the New York State Department of Environmental Conservation for such grants as may be available under Title 5 of the Clean Water Clean Air Bond Act of 1996. The Title 5 Environmental Restoration Program (ERP) provides reimbursement grants in amounts up to 90% to municipalities for investigation and cleanup of brownfield properties.

City Council first authorized applications and grants to the ERP program in 1997. Since that time, the City has been awarded approximately \$5 million in ERP grants for the former APCO site, the former Phototech site, a gasoline station located at 1200 East Main Street, and the former Delco Plant located at Orchard and Whitney Streets. The City Division of Environ-

mental Quality is submitting applications for an additional \$3.2 million in ERP investigation and cleanup grants at this time.

Since the ERP was established, program procedures, requirements, and project evaluation criteria have been developed and modified by New York State. The NYSDEC now requires an updated City Council ordinance that, in addition to authorizing the Mayor to make grant applications and execute State Assistance Contracts, commits the City to fund its share of project costs and to commence field work within twelve months of written approval of any ERP grant application by the New York State Department of Environmental Conservation.

The ERP is a critical tool for the cleanup and redevelopment of brownfield sites. In addition to funding support, the ERP provides indemnification to municipalities that conduct funded projects as well as all successors in title. The NYS indemnification is an important liability protection for brownfield site developers and future owners. This legislation will also allow the Manager of Environmental Quality to submit project documentation and otherwise act on behalf of the City in all matters related to ERP projects and state assistance.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-150
(Int. No. 178)

Authorizing 1996 Clean Water/Clean Air Bond Act Applications And Agreements With The New York State Department Of Environmental Conservation

WHEREAS, the City of Rochester, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the City deems it to be in the public interest and benefit under this law to enter into a contract herewith;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Environmental Conservation for such grants that may be available under the 1996 Clean Water/Clean Air Bond Act. Upon execution of the initial Grant agreement, the Manager of the Division of Environmental Quality is hereby authorized to act on behalf of the City in all matters relating to State assistance under Article 56, Title 5, of the Environmental Conservation Law, including but not limited to making applications, executing agreements, submitting Project documentation and otherwise acting for the City in all matters relating to the Project and State assistance. The City agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within 12 months of written ap-

proval of its application by the Department of Environmental Conservation.

Section 2. A certified copy of this ordinance shall be sent to the Albany office of the New York State Department of Environmental Conservation together with the application for State assistance.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor and/or Manager deem to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-151
Re: Bond Authorization - Remediation
of Former Phototech Imaging Systems
Site, 1000 Driving Park Avenue

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,726,600 and appropriating the proceeds thereof to finance remedial design and cleanup services for the former Phototech Imaging Systems, Inc. (Phototech) site located at 1000 Driving Park Avenue.

The site consists of one parcel, totaling approximately 12.5 acres. The property contains seventeen buildings that total more than 100,000 square feet, most of which are in poor condition. The site was developed mid-20th century as a photographic film manufacturer, and was used until 1991, when the site was abandoned. The property was acquired by the City through tax foreclosure in 1997.

In 1997, the New York State Department of Environmental Conservation (NYSDEC) approved the City's 1996 Title 5 Bond Act grant application for reimbursement of site investigation and remedial alternatives evaluation costs. Day Environmental, Inc. (DAY) has completed a final site investigation and remedial alternatives (SI/RA) report. The SI/RA report includes a recommended demolition and cleanup plan. After a public hearing in March, the NYSDEC accepted the demolition and cleanup plan and issued the site Record of Decision (ROD). The NYSDEC approved demolition and cleanup plan consists of the following primary remedial measures:

1. Asbestos abatement, building decontamination, building demolition, and post-demolition design-phase investigation;
2. Contaminated soil removal and off-site disposal;
3. Removal of the former silver recovery system; and
4. Preparation of long-term monitoring, site management plan, institutional and engineering control plans.

With the issuance of the ROD, the City is eligible to apply for a 1996 Bond Act grant for the design, demolition, and cleanup of the Phototech site. In April 2006, DAY prepared a cost estimate for remedial design, asbestos abatement, demolition and cleanup services in accordance with the NYSDEC approved ROD. DAY estimated the total remedial design, asbestos/

demolition and remediation costs at \$4,506,875. The NYSDEC Clean Air/Clean Water Bond Act Title 5 program will reimburse the City for 50% of asbestos abatement and building demolition, and 90% for all other remedial design and cleanup costs. Day estimates the City's share of the project costs to be \$1,404,896, and the anticipated New York State Title 5 program grant share is estimated to be approximately \$3,101,979. The proposed bond authorization amount of \$1,726,600 is recommended to meet the estimated City project funding share and provide an adequate contingency for the demolition and cleanup project.

The City Division of Environmental Quality is in the process of preparing the Title 5 remediation grant application to the NYSDEC. It is anticipated that the \$3.1 million grant application will be submitted in June 2006 with grant approval in late summer. Initial site demolition activities are expected to begin late in 2006 and site remediation in the spring of 2007. The Division of Environmental Quality is working with the Economic Development Department to develop plans for reuse of the site and to integrate the future redevelopment activities with the required site cleanup.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-56

Ordinance No. 2006-151
(Int. No. 179)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$1,726,600 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The Former Phototech Site At 1000 Driving Park Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances at the former Phototech Imaging Systems, Inc. site at 1000 Driving Park Avenue in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,828,600, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,726,600 bonds of the City, together with the appropriation of \$3,102,000 in anticipated reimbursements from the New York State Clean Air/Clean Water Bond Act, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,726,600 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said

improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,726,600. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in

"The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-152 &
Ordinance No. 2006-153
Re: City Hall Stone Masonry
Restoration Project

Transmitted herewith for your approval is legislation authorizing an agreement with Mesick, Cohen, Wilson, Baker Architects, LLP, Albany, for restoration of the City Hall stone masonry, for a maximum amount of \$800,000; and authorizing the issuance of bonds totaling \$800,000 and the appropriation of the proceeds thereof to finance the cost of this agreement.

In 1998, City Council authorized Handler Grosse Durfee and Associates to assess the condition of the building envelope. Constructed in 1887, with Portland Brownstone, it has suffered deterioration caused by exposure to harsh environmental conditions. In 1999, Council authorized a demonstration project on the west facade to ascertain corrective methods and materials for prolonging the building's overall life.

Proposals for the current project to address the remainder of the building were solicited from seven firms; three responded. Mesick, Cohen, Wilson, Baker Architects, LLP is recommended based on the qualifications and experience of the team assigned to the project. This firm brings a team of material scientists to the project with expertise and experience in design of Brownstone Masonry restoration that cannot be matched locally. The firm will be responsible for investigation, design and construction administration services related to the project.

Design is expected to begin in the summer of 2006 and the first phase of construction is anticipated to begin in the summer of 2007. A construction schedule for the remaining work will be determined when a construction finance plan is identified. It is expected that the cost of construction will be included in future Capital Improvement Programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-152
(Int. No. 180)

Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$800,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Mesick, Cohen, Wilson, Baker Architects, LLP, for investigation, design and construction administration services for the City Hall Stone Masonry Restoration Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said

amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-153
(Int. No. 181)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The City Hall "A" Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the City Hall "A" Building, including repairs to the medina sandstone exterior walls (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$800,000, and said \$800,000 is hereby appropriated at this time therefor. The plan of financing includes the issuance of \$800,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$800,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$800,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes

issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-154
Re: Agreement - Collision Repair Services

Transmitted herewith for your approval is legislation authorizing agreements with five vendors (listed below) for the provision of collision repair services for City vehicles.

A list of qualified vendors is periodically established by the City; when specific repairs are needed, these vendors are requested to provide a price quote for the work. Based on cost and time estimates, the appropriate vendor is selected to complete the repairs.

The five recommended qualified vendors are:

Alliance Collision, Inc., 532 North Street, Rochester, NY 14605

Brothers Collision, 4401 Lake Avenue, Rochester, NY 14612

Leon and R's Collision, 481 Portland Avenue, Rochester, NY 14605

Middlebrook Collision, 1425 Clifford Avenue, Rochester, NY 14621

Sofia Collision, 20 Palmer Street, Rochester, NY 14609

Similar agreements have most recently been approved by Council in 2004. Funding for these repair services is included in the annual operating budget of the Department of Environmental Services. The term of this agreement will be one year, with the option of three one-year renewals.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2006-154
(Int. No. 182)

Authorizing Professional Services Agreements For Motor Vehicle Collision Repair Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into professional services agreements with the following companies for motor vehicle collision repair services for a term of one year, with options for three one-year renewals:

Alliance Collision, Inc., 532 North Street, Rochester, NY 14605

Brothers Collision, 4401 Lake Avenue, Rochester, NY 14612

Leon and R's Collision, 481 Portland Avenue, Rochester, NY 14605

Middlebrook Collision, 1425 Clifford Avenue, Rochester, NY 14621

Sofia Collision, 20 Palmer Street, Rochester, NY 14609

Section 2. The agreements shall obligate the City to pay a total amount not to exceed that set forth in the annual Budgets for said services.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-155
Re: City Code Amendment -
Wholesale Water Rate

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for the Lima Water Districts 1 and 2.

The present wholesale rate was established by the City Council in April 2005. The proposed \$0.04 increase per 1,000 gallons will raise the wholesale water rate from \$1.26 to \$1.30 per 1,000 gallons for Lima Water Districts 1 and 2. The 3.39% proposed increase in the rate reflects the increase in the Consumer Price Index for calendar year 2005. The cost increase is primarily related to maintaining an aging system.

The proposed rate increase will go into effect on July 1, 2006, and is expected to result in annual incremental revenue of approximately \$3,400.

Future annual rate adjustments to the wholesale rate will continue to be based upon changes in the Consumer Price Index.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-155
(Int. No. 183)

Amending The Municipal Code With Respect To Wholesale Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.26 per 1,000 gallons for the Town of West Bloomfield and \$1.30 per 1,000 gallons for the Town of Lima Water Districts 1 and 2.

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-156 And
Ordinance No. 2006-157

Re: Bonds - Street Improvement Program

Transmitted herewith for your approval is legislation authorizing the issuance of the bonds and the appropriation of the proceeds of each for the 2006-07 Street Improvement Program as follows:

1. \$1,325,000 to finance portions of the Street improvement program. \$1 million of this amount is planned for in the 2006-07 Capital Improvement Plan; the remaining \$325,000 will be transferred from 2005-06 Sewer funds (CIP); and
2. \$380,000 to finance Water improvements. This amount is provided for in the 2004-05 CIP.

The 2006-07 construction program includes the resurfacing of approximately 15.33 miles of streets, the rehabilitation or reconstruction of approximately 0.4

miles of residential streets, the replacement of curbs of approximately 0.8 miles of residential streets, and other related improvements.

The scope and cost of sewer and water improvements associated with planned street improvements have been lower than expected. As a result, no new funds are required for sewer improvements; previously approved sewer funds are sufficient to cover the cost of current projects. Therefore, the 2005-06 allocation of \$325,000 for sewers is being redirected for street purposes.

The resurfacing, rehabilitation or reconstruction, and curb replacement street projects included in the Street Improvement Program are shown in Attachment A.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-57

Ordinance No. 2006-156
(Int. No. 184)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,325,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2006 Street Improvement Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,325,000, and said amount is hereby appropriated therefore. The plan of financing includes the issuance of \$1,325,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,325,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,325,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-157
(Int. No. 185)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The

Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2006 Street Improvement Program in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$380,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$380,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$380,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$380,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as

to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-158 And
Ordinance No. 2006-165

Re: Atlantic Avenue Improvement Project
Phase II (CSX Railroad Bridge to
Culver Road)

Transmitted herewith for your approval is legislation related to Phase II of the Atlantic Avenue Public Improvement Project. The legislation will:

1. Amend Ordinance No. 2005-11, Section 1, item no. 3 to revise pavement width changes authorized therein in, to read as follows:

A transition easterly for a distance of 125 feet from 28 feet to 39 feet and a decrease of 2 feet from 41 feet to 39 feet from the latter point to the intersection of Culver Road.

2. Authorize pavement width changes on Culver Road beginning 100 feet south of Atlantic Avenue, a decrease of 8 feet, from 52 feet to 44 feet, transitioning northerly for a distance of 45 feet, to a width of 38 feet.
3. Authorize acquisition, by negotiation or by condemnation, of one *de minimus* parcel at 625 Culver Road, and one *de minimus* permanent easement at 645 Culver Road.
4. Authorize acquisition, by donation, of one *de minimus* parcel at 605-625 Culver Road.

The project is being designed by FRA Engineering,

P.C. as authorized by Council in March 2004 and July 2005. Phase II features include: Pavement rehabilitation or reconstruction; pavement width changes; intersection, drainage, curb, traffic signal, signage, sidewalk, landscaping, water system and other improvements. The estimated cost for construction of the improvements is \$1,241,000; the City is eligible to receive up to \$600,000 from the Federal Highway Administration.

The width changes on Atlantic Avenue will eliminate unnecessary pavement; and the width changes on Culver Road will allow for easier turns for trucks. These changes were endorsed by the Traffic Control Board on May 2, 2006.

The property acquisitions will allow a wider sidewalk and will accommodate a larger corner radius for improved turning movements. The values for these acquisitions were established by an independent appraisal performed by Robert G. Pogel, SRPA. The donation at 605-625 Culver Road will be used to create recessed parking, which will require relocation of the sidewalk. The owner of the adjacent property, who requested the additional parking, will donate the easement required for the sidewalk at no charge.

| <u>Address</u> | <u>Owner</u> | | <u>Square Feet</u> | <u>Total Value</u> |
|---------------------------|----------------------|--------------------------|--------------------|--------------------|
| | <u>Land Value</u> | <u>Improvement Value</u> | | |
| Pt of 625 Culver Road | PSB, Ltd \$8,370 | \$3,030 | 837 | \$11,400 |
| Pt of 645 Culver Road | Khalid Yaqoob 700 | 100 | 91 | 800 |
| Pt of 605-625 Culver Road | PSB, Ltd | | 1,292 | NA |

The total acquisition costs, including closing costs, will not exceed \$15,000 and will be funded from 2005-06 Cash Capital.

The project was presented at a public meeting on April 27, 2006; the minutes of the meeting are attached.

Construction of the Phase I improvements is underway and scheduled for completion this fall. It is anticipated that construction of the Phase II improvements will begin in Summer 2006 and be completed by Fall 2007.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-58

Ordinance No. 2006-158
(Int. No. 187)

Authorizing The Acquisition By Donation, Negotiation Or Condemnation Of A Parcel And Permanent Easements For The Atlantic Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the acquisition of a permanent easement over the following de minimis parcel for street purposes as a part of the Atlantic Avenue Improvement Project:

Address: Pt. of 645 Culver Rd.
SBL#: 122.22-1-33
Owner: Khalid Yaqoob
Square Feet: 91

| | |
|-------------------|-------|
| Land Value | \$700 |
| Improvement Value | 100 |
| Total | \$800 |

Section 2. The Council hereby approves the acquisition of the following de minimis parcel for street purposes as a part of the Atlantic Avenue Improvement Project:

Address: Pt. of 625 Culver Rd.
SBL#: 122.22-1-34
Owner: PSB, Ltd.
Square Feet: 837

| | |
|-------------------|----------|
| Land Value | \$ 8,370 |
| Improvement Value | 3,030 |
| Total | \$11,400 |

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$12,200, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2005-06 Cash Capital Allocation.

Section 4. In the event that said easement or parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easement or parcel.

Section 5. The Council hereby approves the acceptance of the donation of a permanent easement over approximately 1,292 square feet of the parcel at 605-625 Culver Road, SBL #122.22-1-34 & 35, owned by PSB, LTD., for street purposes as a part of the Atlantic Avenue Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-165
(Int. No. 186, As Amended)

Amending A Change In The Pavement Width Of Atlantic Avenue West Of Culver Road As Approved In Ordinance No. 2005-11 And A Decrease In The Pavement Width Of Culver Road South Of Atlantic Avenue, Authorizing Agreements And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-11, relating to changes in the pavement width of Atlantic Avenue, is hereby amended by amending the third numbered paragraph of Section 1 to read in its entirety as follows:

3. A transition easterly for a distance of 125 feet from 28 feet to 39 feet and a decrease of 2 feet

from 41 feet to 39 feet from the latter point to the intersection of Culver Road.

Section 2. The Council hereby further approves a decrease of 8 feet in the pavement width of Culver Road beginning 100 feet south of Atlantic Avenue, from 52 feet to 44 feet, and transitioning northerly for a distance of 45 feet, to a width of 38 feet.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. The Mayor is hereby authorized to enter into an amendatory agreement with the Rochester City School District and any necessary agreements with the State of New York for the receipt of funding for the Atlantic Avenue Improvement Project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The sum of \$13,000 is hereby appropriated from funds to be received from the Rochester City School District, and the sum of \$35,000 is hereby appropriated from funds to be received from the State of New York, to fund the Atlantic Avenue Improvement Project.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-159
Re: Agreement - Bergmann Associates,
Brownfield Opportunity Area Project

Transmitted herewith for your approval is legislation authorizing an agreement with Bergmann Associates for environmental assessment and brownfield opportunity area pre-nomination phase services for a maximum cost of \$71,500. The cost of this agreement will be financed from a 2004 Brownfield Opportunity Area Program grant from the New York State Department of State.

The 2004 grant, for a total of \$90,000, was awarded by the NYS Department of State for a 394 acre brownfield site in the western-central area of Sector 3 in the City (see attached map). The BOA grant is for community-based planning activities focused on brownfield properties.

A request for proposal for project consulting services was issued in October 2005. Eighteen proposals were received. Bergmann is recommended based on the quality of its proposal, its experience with both NYS brownfield programs and the development of land use plans, the proposed project team, and reasonableness of costs.

Bergmann will complete preliminary environmental site assessments for a minimum of 161 potential brownfield properties. Site assessment activities include:

- Development of Site Profiles, including maps or drawings of property boundaries, significant structures, location of concerns, and photo-

graphs of environmental liabilities.

- Development of a draft Preliminary Environmental Assessment Report (PEAR) for comment from Sector 3, City, and NYS.
- Presentation of the findings of the PEAR in a public meeting with Sector 3.
- Assistance to the City Division of Environmental Quality with the identification of possible remediation strategies for brownfield sites within the BOA.
- Attendance, at the request of the City, at meetings of the BOA project steering committee and meetings convened by the NYSDEC, NYSDOS or the City.

This agreement will have an initial term of one year with provisions for annual renewals for a additional two-year period based on mutual written agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-59

Ordinance No. 2006-159
(Int. No. 211)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Assessments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$71,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for environmental assessment and Brownfield Opportunity Area Program services relating to potential brownfield properties. Said amount is hereby appropriated from 2004 Brownfield Opportunity Area Program Grant Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-160,
Ordinance No. 2006-161,
Ordinance No. 2006-162 And
Ordinance No. 2006-163

Re: Hollenbeck Street Public Improvement
Project (Norton Street to East Ridge Road)

Transmitted herewith for your approval is legislation related to the Hollenbeck Street Public Improvement Project and will:

1. Authorize the issuance of bonds totaling \$1,033,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
2. Authorize the issuance of bonds totaling \$200,000 and the appropriation of the proceeds

thereof to finance the cost of the water improvements;

3. Authorize the issuance of bonds totaling \$92,000 and the appropriation of the proceeds thereof to finance the cost of the sewer improvements; and
4. Authorize an agreement with Passero Associates, P.C. for a maximum of \$165,000 for Resident Project Representation (RPR) services during construction of the project. The cost of the agreement will be financed from the Street Bond (\$52,900) and Water Bond (\$21,450) appropriated herein, and from 2004-05 Cash Capital (\$90,650).

The Project, designed by the Department of Environmental Services, Bureau of Architecture & Engineering, includes reconstruction of the pavement; installation of granite curbs, concrete sidewalks, and driveway aprons; a water main replacement and hydrant and water service upgrades; and drainage, street lighting and landscaping improvements.

Bids for construction of the project were received on May 16, 2006. The work will be performed by Gordon J. Phillips, Inc. at a cost of \$1,222,525, which is 0.63% less than the engineer's estimate. An additional \$151,890 will be allocated for contingencies which include street lighting costs which will be funded from the proposed bonds and from the 2004-05 Cash Capital allocation.

Funding for construction of the project is as follows:

| <u>Category</u> | <u>Construction</u> | <u>Contingency</u> | <u>Total</u> |
|-----------------|---------------------|--------------------|--------------|
| | <u>RPR</u> | | |
| Street bond | | | |
| \$ 980,060 | \$ | 40 | |
| | \$ 52,900 | | \$1,033,000 |
| Water bond | | | |
| 158,839 | | 19,711 | |
| | 21,450 | | 200,000 |
| Sewer bond | | | |
| 83,526 | | 8,474 | |
| | 0 | | 92,000 |
| Cash capital | | | |
| 0 | | 123,565 | |
| | 90,650 | | 214,215 |
| County Traffic | | | |
| <u>100</u> | <u>100</u> | | |
| | <u>0</u> | | <u>200</u> |
| Total | | | |
| \$1,222,525 | \$151,890 | | |
| | \$165,000 | | \$1,539,415 |

The cost of the street, water, and sewer improvements will be financed from proceeds of the proposed bonds. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

Passero Associates was selected to perform resident project representation services subsequent to solicitation of qualifications from 24 local consulting firms. Passero Associates was selected from the responding firms based on the rating of the firm's qualifications and availability of staff.

The project was presented at a public informational meeting on November 30, 2005, the minutes of which are attached. Construction of the project is anticipated to begin this summer, and be completed in spring 2007.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Attachment No. AF-60

Ordinance No. 2006-160
(Int. No. 212)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,033,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Hollenbeck Street (Norton Street to East Ridge Road) Public Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,033,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,033,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,033,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds are authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and

provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-161
(Int. No. 213)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Hollenbeck Street (Norton Street to East Ridge Road) Public Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or pur-

poses, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-162
(Int. No. 214)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$92,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Hollenbeck Street (Norton Street to East Ridge Road) Public Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$92,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$92,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$92,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$92,000. This Ordinance is a declaration of official intent

adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2006-163
(Int. No. 215)

Establishing Maximum Compensation For A Professional Services Agreement For The Hollenbeck Street (Norton Street To East Ridge Road) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates, PC, for resident project representation services for the Hollenbeck Street (Norton Street to East Ridge Road) Public Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$52,900 shall be funded from a bond ordinance adopted for street purposes, \$21,450 shall be funded from a bond ordinance adopted for water purposes, and \$90,650 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-164
Re: Water Storage Reservoir Study

Transmitted herewith for your approval is legislation authorizing an agreement with O'Brien and Gere, 400 Andrews St., Rochester, NY, for a comprehensive study of all three reservoirs (Cobbs Hill, Highland, and Rush). The agreement will be for a maximum of \$295,000 and will be funded from the 2003-04 Cash Capital allocation of the Department of Environmental Services (Water Fund).

In December 2005, the US Environmental Protection Agency (EPA) issued the Long Term 2, Enhanced Surface Water Treatment Rule (LT2ESWTR). Part of this regulation requires Public Water Systems (PWS) that store water in an open finished reservoir to either cover the reservoir, or treat the water to insure adequate inactivation of the viruses giardia and cryptosporidium. The EPA notes that some PWSs are expected to avoid the problem by removing their reservoir(s) from service. PWSs are to notify the State by April 1, 2008 if they have open finished water reservoirs, and are to be in compliance (or have a State approved plan for compliance) by April 1, 2009.

Rochester's reliance on three open reservoirs makes it very apparent that the LT2ESWTR regulation will have significant and costly implications. Due to the size and logistics of layout of our reservoirs, it is expected that both covers and the added-treatment options would be very expensive.

A Request for Proposal was issued to six firms on February 27, 2006; four responded. After a thorough evaluation of all proposals, including interviews with the two firms with the best proposals, O'Brien and Gere is recommended. This firm has demonstrated that they possess the skills, technical knowledge and

abilities that are necessary to successfully complete the Water Storage Reservoir Study.

O'Brien and Gere will analyze water quality, hydraulics, economics, sizing, water demand, and security issues. The study will determine if Cobbs Hill, Highland, and Rush Reservoirs can be retained in their current size and configuration. The study will also evaluate post-storage water treatment options and alternative storage options that will conform to government regulations.

The Monroe County Water Authority is expected to reimburse the City for 54% of the cost of this project, in accordance with the agreement authorized by City Council in 1978.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-164
(Int. No. 216)

Establishing Maximum Compensation For A Professional Services Agreement For A Reservoir Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$295,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien and Gere for a comprehensive study of the Cobbs Hill, Highland and Rush Reservoirs. Said amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-166
Re: Intermunicipal Agreement -
Durand Eastman Park

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe to amend the 1975 City/County Parks Agreement; amending the 2005-06 Budget by transferring \$91,150 from Contingency to Cash Capital and \$8,650 to Operating, and accepting any necessary temporary easements from the State of New York.

The 1975 Agreement established that certain City-owned parks would be operated and maintained by the County. This amendment will allow the City to assume responsibility for the operation and maintenance of a portion of the City-owned beach at Durand Eastman Park for the period July 1, 2006 to September 4, 2006.

The City will be responsible for all capital and operating costs required for the operation and maintenance of the Beach during this term. At the conclusion of this period, all responsibilities for the beach will revert to the County. A temporary easement will be granted to the City by New York State, authorizing the City to place portable toilets and an office trailer on a portion of State owned land adjacent to

the park.

The amount of \$99,800 will enable the purchase of appropriate equipment prior to July 1. An allocation of \$200,000 is included in the 2006-07 Budget to provide additional funding for beach operations.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Attachment No. AF-61

Ordinance No. 2006-166
(Int. No. 217, As Amended)

Authorizing An Amendatory Agreement With The County Of Monroe For The Operation And Maintenance Of [A Portion Of] The Durand Eastman Beach, Accepting Easements And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory Parks Agreement with the County of Monroe whereby the City will assume responsibility for the operation and maintenance of all or a portion of the Durand Eastman Beach [for opening during summer, 2006].

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. Prior to execution of said agreement, the Mayor shall provide a copy to the President of the City Council for comment.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$99,800 from the Contingency Allocation to the Cash Capital Allocation to fund the purchase of equipment for the operation of the Durand Eastman Beach.

Section 4. The Council hereby further approves the acceptance of any necessary temporary easements from the State of New York for the placement of an office trailer and portable toilets on state land adjacent to the parkland.

Section 5. No later than December 31, 2006, the Mayor shall submit a report to the City Council on the Beach operations during Summer, 2006.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember McFadden abstained his vote because he felt he did not have enough information.

By Councilmember Douglas
June 20, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 188 - Cancellation Of Taxes And Charges

Int. No. 189 - Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

Int. No. 190 - Authorizing An Application And Agreements For The 2006 Summer Food Service Program For Children

Int. No. 191 - Authorizing An Agreement Relating To The Rochester After School Academy Program And Amending The 2005-06 Budget

Int. No. 192 - Authorizing An Agreement Relating To The Double A Summer Camp Program

Int. No. 193 - Authorizing License Agreements For The Use Of City Property

Int. No. 194 - Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

Int. No. 195 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

Int. No. 218 - Authorizing Agreements Relating To The 2006 Summer Of Opportunity Program, As Amended

Int. No. 219 - Authorizing An Agreement For The Adolescent Parenthood Project

Int. No. 224 - Resolution Approving The 2006-07 Debt Limit For General Municipal Purposes

Int. No. 236 - Amending The 2005-06 Budget Of The City Of Rochester In Regard To Court Watch And Appropriating Funds - \$10,000

Int. No. 225A - Amending The 2006-07 Budget Of The City Of Rochester In Regard To Maintenance Of The Photo Archives - \$5,500

Int. No. 225B - Amending The 2006-07 Budget Of The City Of Rochester In Regard To Family And Victims Services - \$22,000

Int. No. 225C - Resolution Of Budgetary Intent - Family And Victims Services Counselors

Int. No. 225D - Amending The Proposed 2006-07 Budget In Regard To Park Security Personnel - \$27,000

Int. No. 225E - Amending The 2006-07 Budget Of The City Of Rochester In Regard To Security Cameras - \$5,000

Int. No. 225F - Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Summer Camp - \$10,000

Int. No. 225G - Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Toys For The Public Library \$2,000

Int. No. 225H - Amending The Proposed 2006-07 Budget In Regard To Youth Basketball Program - \$6,000

Int. No. 225I - Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Fire Department Recruitment - \$5,000

Int. No. 225J - Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Leadership Rochester Urban Fellows Program - \$10,000

Int. No. 225K - Amending The Proposed 2006-07 Budget In Regard To Positive Lifestyle Television Promotion - \$8,000

Int. No. 225L - Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Police Language Training - \$15,000

Int. No. 225M - Amending The 2006-07 Budget Of The City Of Rochester In Regard To The Downtown City Living Program - \$5,000

Int. No. 225N - Amending The Proposed 2006-07 Budget In Regard To The Susan B. Anthony Neighborhood Design Charette - \$2,500

Int. No. 225 - Adoption Of The Budget Estimates For Municipal Purposes For The 2006-07 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 227 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007

Int. No. 228 - Confirming The Assessments, Amounts And Changes To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007

Int. No. 230 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2006 And Expiring June 30, 2007

Int. No. 231 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 232 - Amending The Municipal Code With Respect To Fees

Int. No. 233 - Local Law Amending The City Charter With Respect To The Name And Functions Of The Department Of Parks, Recreation And Human Services, As Amended

Int. No. 234 - Amending The Municipal Code With Respect To The Commissioner Of Parks, Recreation And Human Services

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 226 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007, And Appropriation Of Sums Set Forth Therein

Int. No. 229 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007

Respectfully submitted,
 Benjamin L. Douglas (Abstained on Int. No. 219)
 Carolee A. Conklin
 Dana K. Miller
 Lois J. Giess (Voted on Int. No. 224 through Int. No. 234)
 Gladys Santiago (Voted on Int. No. 224 through Int. No. 234)
 FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-167
 Re: Cancellation or Refund of Erroneous
 Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$25,901.67.

An amount of \$21,117.88 or 81.53% of the total relates to one property owned by a Not-for-Profit organization. The cancellation includes three years of taxes which are not enforceable due to the ownership prior to respective Taxable Status Dates. Delinquent water charges were found to be partially incorrect.

The sum of \$4,783.79 or 18.47% of the total applies to three properties owned by the City of Rochester. The charges for snow plowing and security do not apply to these properties.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$640,703.21.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 102 | \$544,653.98 |
| Administrative | 311 | 96,049.23 |
| Total | 413 | \$640,703.21 |

These cancellations represent .286% of the tax receivables as of July 1, 2005.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2006-167
 (Int. No. 188)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties are owned by the City. The charges for the Public Market Security and Public Market snow plowing charges are to be cancelled.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax</u> | <u>Amount</u> |
|-------------------|--------------|------------------|---------------|
| <u>Address</u> | <u>Year</u> | <u>Cancelled</u> | |
| 106.670-0001-076 | NH | | |
| 166 Public Market | 2005 | \$ | 1,353.84 |
| 106.670-0001-075 | NH | | |
| 160 Public Market | 2005 | | 1,405.57 |

106.670-0001-074 NH
 156 Public market 2005 2,024.38

- (b) This property is owned by a qualifying not-for-profit corporation and held for a future tax exempt use on each taxable status date, so was eligible for exemption. The property was vacant and water bills are disputed.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax</u> | <u>Amount</u> |
|------------------|--------------|------------------|---------------|
| <u>Address</u> | <u>Year</u> | <u>Cancelled</u> | |
| 120.360-0002-045 | NH | | |
| 36 King Street | 2004 | \$ | 5,829.58 |
| | 2005 | | 8,173.88 |
| | 2006 | | 7,114.42 |

Grand Total \$25,901.67

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-168
 Re: Agreement - Northeastern
 Production Systems

Transmitted herewith for your approval is legislation authorizing an agreement with Northeastern Production Systems, Inc., Rochester, for sound, lighting and staging services at special and cultural events. The maximum cost of this agreement will be \$60,100, which will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services (\$53,200), and the Rochester Events Network trust fund (\$6,900).

Many of the special and cultural events in the performing arts require sound, lighting and staging services. The most recent agreement for these services, authorized by Council in 2003, expires on June 30, 2006. In 2003, the Special Events Office advertised a request for proposals for these services. Two proposals were received and rated by City staff and community event producers. Northeastern Production Systems, Inc. was rated highly superior. A new RFP will be issued for these services in January 2007.

Northeastern will provide the sound, lighting, stage, stage roof equipment and related services required for all special events and cultural arts performances provided by the Special Events Office, including the summer evening concerts at the High Falls Festival Site, RPO concerts, noontime concerts, and various other concerts throughout the year.

The cost of this agreement remains at its 2005-06 level.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2006-168
(Int. No. 189)

Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,100, or so much thereof as may be necessary, is hereby established as the City compensation to be paid for a professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for special and cultural events. Of said amount, \$53,200 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services and \$6,900 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-169
Re: 2006 Summer Food Service Program

Transmitted herewith for your approval is legislation relating to the 2006 Summer Food Service Program (SFSP) for children. This legislation will authorize agreements with the following:

1. The New York State Department of Education for the receipt and use of such funds as may be allocated to the City for the program; and
2. The Rochester City School District for preparation and delivery of the breakfasts and lunches to be provided under the program.

During the summer, SFSP provides free meals (breakfast and lunch) to children eighteen and under. Disabled persons over eighteen who are enrolled in a program for children with disabilities during the school year are also eligible. The program is administered by the City; the School District central kitchen prepares and delivers the meals to the program sites.

The School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, qualifying all areas of the city for participation. Sixty sites will operate June 26 - September 1. Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The City School District will prepare and deliver meals for SFSP at the following unit costs:

| | <u>Breakfast</u> | <u>Lunch</u> |
|------------------------------|------------------|--------------|
| 2005 RCSD Rate | \$1.15 | \$2.15 |
| 2006 RCSD Rate | 1.20 | 2.20 |
| SFSP 2006 Reimbursement Rate | 1.585 | 2.7825 |

Based on these rates, and a projection of 66,000 breakfasts and 106,000 lunches, estimated reimbursement

will be \$389,400. This figure will also fund \$77,000 in operating costs. These amounts have been included in the proposed 2006-07 Budget of the Department of Recreation and Youth Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-62

Ordinance No. 2006-169
(Int. No. 190)

Authorizing An Application And Agreements For The 2006 Summer Food Service Program For Children

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for the funding for the 2006 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$312,400, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2006-07 budget of the Department of Parks, Recreation and Human Services, contingent upon receipt of said funding.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-170
Re: Rochester After School
Academy Sustainability

Transmitted herewith for your approval is legislation authorizing an agreement with Genesee Valley BOCES (Midwest Student Support Services Center) for the receipt of \$4,000 for assistance to the Rochester After School Academy (RASA) program.

The Student Support Services Center is the regional technical assistance agency to the NYS 21st Century Community Learning Centers, the sponsoring agency for RASA.

The RASA I grant funds will be fully expended as of June 30, 2007. A plan for the sustainability of the program is being developed by the City and several RASA agencies. In an effort to identify additional and diverse funding streams, the plan calls for increased community awareness of RASA. The \$4,000 will be used to assist RASA to develop marketing

materials toward that end.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-170
(Int. No. 191)

**Authorizing An Agreement Relating To The
Rochester After School Academy Program And
Amending The 2005-06 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Midwest Student Support Services Center at Genesee Valley BOCES for funding for the Rochester After School Academy (RASA) Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$4,000, which amount is hereby appropriated from the funds to be received through the grant authorized herein to fund the Rochester After School Academy (RASA) Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-171
Re: Double A Summer Camp

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Authority to accept \$40,000 to fund the City's Double A Summer Camp.

Due to reorganization and limited funds, the Rochester Housing Authority can no longer offer their own traditional summer camp program. To ensure that some of the youth will still have a camp experience, RHA is providing funds to allow 100 youth, ages 7 - 13, to attend the Double A camp, operated by the Department of Recreation and Youth Services.

The programs will be offered June 26 - August 18, 2006 at Edison Technical High School and the Roger Robach Community Center in Charlotte. RHA will advertise the camp through all of its residences; the 100 youth will be chosen on a first-come, first-served basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-171
(Int. No. 192)

Authorizing An Agreement Relating To The

Double A Summer Camp Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority for funding for the Double A Summer Camp Program.

Section 2. The sum of \$40,000, or so much as may be received through the agreement authorized herein, is hereby appropriated to fund the Double A Summer Camp Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-172
Re: License Agreements - Community
Place of Greater Rochester

Transmitted herewith for your approval is legislation authorizing two license agreements with Community Place of Greater Rochester, Inc. for the use of City-owned space.

250 Grand Avenue

Community Place will use space at 250 Grand Avenue for installing, operating, using, and maintaining a playground. The playground is for the use of participants at the adjacent day care facility operated by Community Place and will be open for public use outside of program hours. This license replaces an agreement which expired in 2006 for similar use.

136 First Street

Community Place will use space at 136 First Street to provide community recreation and other programs. The previous agreement expired in March 2006.

There will be no fee for the use of either of these properties. Both agreements shall be for a term of two years, beginning on the date of execution, with four two-year options for renewal.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-172
(Int. No. 193)

**Authorizing License Agreements For The Use
Of City Property**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Real Estate is hereby authorized to enter into license agreements with Community Place of Greater Rochester for the use of City-owned space at 250 Grand Avenue for installing, operating, using and maintaining a playground, and at

136 First Street to provide community recreation and community programs. The licenses shall be without charge and shall extend for two years, with four two-year options for renewal. Community Place shall be responsible for the payment of all utilities at First Street.

Section 2. The licenses shall contain such additional terms and conditions as the Director deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-173
Re: EM Risk Management - Workers'
Compensation Third-Party Administration

Transmitted herewith for your approval is legislation authorizing a one year agreement with EM Risk Management (a POMCO Company) for continuation of third-party administration of Workers' Compensation claims for the City. This agreement will be for a maximum of \$71,500 and will be funded from the 2006-07 Budget for Undistributed Expense.

EM Risk Management has continuously provided a high level of service, including the implementation of cost containment strategies for Workers' Compensation expenses. The intensive case management, bill review and expedited processing of claims is reflected in a reduction of liabilities (paid and incurred expenses) by 65% in 2005 (as compared to 34% in 2004) and collections of recoveries increasing from \$382,000 in 2004 to over \$680,000 in 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-173
(Int. No. 194)

Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$71,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EM Risk Management for the administration of the City's Workers' Compensation Program for a term of one year. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-174
Re: Amendatory Agreement - Mercer
Human Resource Consulting, Inc.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Mercer Human Resource Consulting, Inc., for the provision of additional actuarial services. This amendment for \$13,500 will bring the total cost of the agreement (authorized by Council in March 2006) to \$52,500. This amount includes a \$6,000 contingency for follow-up analysis of the City's long-term health benefit costs that will be helpful for budgetary planning. This amendment will be funded from the 2005-06 Budgets of Finance and the Bureau of Budget and Efficiency.

Mercer provides the actuarial valuation of the post-employment health benefit liability required for compliance with the Governmental Accounting Standards Board financial reporting standards.

Subsequent to the authorization of the original Agreement with Mercer, new health insurance rates for the City were negotiated with Preferred Care. These rates, which are more favorable, are experience-rated rather than community-rated. Consequently, additional work is required of the actuaries, since long-term inflationary assumptions appropriate to our specific retiree population must be developed.

Insurance rates paid to Excellus for employees and retirees will continue to be community-rated, and thus will require no change in the actuarial services requirements.

The term of this agreement shall be six years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-174
(Int. No. 195)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Mercer Human Resource Consulting, Inc. for the provision of actuary services to comply with financial reporting requirements. Said amount shall be funded from the 2005-06 Budgets of the Department of Finance and Bureau of Budget and Efficiency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-175
Re: Summer of Opportunity

Transmitted herewith for your approval is legislation authorizing agreements with several agencies to

implement the Summer of Opportunity program for a total of \$441,338, and appropriating \$21,518 from the 2004-05 Community Development Block Grant (Job Creation/Youth Development Allocation) to partially fund these agreements. Remaining funds are provided in the 2005-06 and 2006-07 Budgets.

This program provides City middle- and high-school students (ages 14-21) summer work experience or vocational exploration opportunity. Good Grades Pay requires a 2.0 GPA, 90% attendance rate, and no long-term suspensions for the current school year. This summer, 340 youths will participate. A significant change this year is the inclusion of mandatory Job Readiness Training and Parent Orientations.

In March 2006, a Request for Proposal to serve fourteen and fifteen-year-olds was issued; fifteen responses were received. Requested services were, for fourteen-year-olds, significant opportunities for community service and academic enrichment activities during the summer; and for fifteen-year-olds, participation in work experience activities, civic engagement, and academic enhancement during the summer. The programs listed below are recommended for funding based on the description of proposed services, past performance, and the amount of available funding.

The following ten programs will serve 207 fourteen and fifteen-year-olds at a cost of \$229,096.

| <u>Agency</u> | <u>Project Description</u> | <u>No. of Youth</u> | <u>Age</u> | <u>Cost @</u> | <u>Amount</u> |
|--------------------------------|---|---------------------|------------|---------------|---------------|
| Academy for Career Development | Computer tech.; building PCs | 10 | 15 | \$1,166 | \$11,663 |
| Academy for Career Development | Computer technology for youth with disabilities | 5 | 14 | 1,970 | 9,850 |
| Action for a Better Community | Career exploration - business and helping professions | 25 | 15 | 1,197 | 29,930 |
| American Red Cross | Employability skills, work experience in human services | 25 | 15 | 1,170 | 29,263 |
| Catholic Family Center - CYO | Rent-A-Kid model - employment skills | 25 | 14 | 1,200 | 30,000 |
| Community Place | Community Mapping project | 25 | 14 | 1,220 | 30,378 |
| Epilepsy Foundation | Job readiness, work, academic enrichment | 50 | 15 | 829 | 36,868 |

| | | | | | |
|--------------------------------|---|----|----|-------|--------|
| Puerto Rican Youth Development | Literacy, vocational exploration, community service | 20 | 14 | 1,118 | 22,377 |
| Rochester City School District | Student newspaper - John Marshall students | 10 | 14 | 1,256 | 12,567 |
| Rochester Community TV | Media Literacy, PSAs | 12 | 15 | 1,350 | 16,200 |

The following components are also part of the Summer of Opportunity Program:

Community Conservation Corps (CCC) will enroll thirty youth, and Teens on Patrol (TOPS) will enroll twenty youth at minimum wage (\$6.75/hr.) to work in city recreation centers and/or with police-sponsored programs and sites. The youth will be ages sixteen and older, and will work eight and seven weeks respectively.

Good Grades Pay Plus (GGP+) will provide work experience for 10 high school students 16 years or older with at least a 3.0 GPA and 95% school attendance. These youth will be paid \$7.50/hour in an internship-like experience.

Note: As in previous years, the Rochester City School District will provide payroll processing services and check distribution for the CCC, TOPS, GGP+, and Jr. Recreation Leadership programs at a total cost (including youth wages) of \$140,724.

Rochester After School Academy will conduct two summer employment programs:

University of Rochester will work with students to conduct a Community Mapping Project in the Rochester Children's Zone, in collaboration with the Rochester City School District. The project will hire 15 youth, and will be funded at \$14,900.

City Human Services will conduct the Rochester Digital Ripple Technology Project with 35 students this summer. The project will work with 35 youth from eleven RASA schools to build a community wireless network in Sector 3, and will cost \$35,100.

Monroe Community College's National Youth Sports Program (MCC-NYSP) will employ ten Camp Counselor Assistants. The program provides city youth organized athletic instruction and supervised activities. \$21,518 will be used for the Assistants (\$11,518) and transportation for youth participants (\$10,000).

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-175
(Int. No. 218, As Amended)

Authorizing Agreements Relating To The 2006 Summer Of Opportunity Program

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2006 Summer of Opportunity Program:

| Organization | Total |
|--|-----------|
| Academy For Career Development - Computers/Youth | \$ 11,663 |
| Academy For Career Dev. - Computers/Youth w/disabilities | 9,850 |
| Action for a Better Community | 29,930 |
| American Red Cross | 29,263 |
| Catholic Family Center | 30,000 |
| Community Place | 30,378 |
| Epilepsy Foundation | 36,868 |
| Puerto Rican Youth Development | 22,377 |
| Rochester City School District - Student Newspaper | 12,567 |
| Rochester Community TV | 16,200 |
| Rochester City School District - Administrative Services | 140,724 |
| Rochester After School Academy | 50,000 |
| MCC - National Youth Sports | 21,518 |
| MCC - Tutoring Services | 17,730 |

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$[441,338] 459,068, and of said amount, or so much thereof as may be necessary, \$23,616 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services, \$[396,204] 413,934 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services, and \$21,518 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2004-05 Community Development Program.

Section 3. The Mayor is hereby further authorized to enter into any necessary agreements with the State of New York for the receipt of funding for the 2006 Summer of Opportunity Program. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-176
Re: Agreement - YWCA of Rochester

Transmitted herewith for your approval is legislation authorizing an agreement with the YWCA of Rochester & Monroe County for \$29,458, to support the Adolescent Parenthood Project at John Marshall High School. The cost of the agreement will be financed from the Emergency/Transitional Allocation of the 2005-06 Community Development Block Grant.

The Adolescent Parenthood Project at John Marshall High School provides support services and case management for pregnant and parenting teen students enrolled in John Marshall High School. These efforts

have been effective in preventing youth from dropping out of school, and having a repeat pregnancy.

The project will be funded on a transitional basis for ten months, while a funding request to New York State is being developed to provide sustainable funding for the site.

A Project Information sheet is attached.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Attachment No. AF-63

Ordinance No. 2006-176
(Int. No. 219)

Authorizing An Agreement For The Adolescent Parenthood Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the YWCA of Rochester and Monroe County for the Adolescent Parenthood Project at John Marshall High School, effective retroactively to June 1, 2006.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$29,458, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Emergency/Transitional Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Ayes - None - 0.

Councilmember Douglas abstained his vote because his wife is the Director of the YWCA.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-25,
Ordinance No. 2006-197 And
Ordinance No. 2006-198
Re: 2006-07 Budget

Transmitted herewith for your approval is legislation relating to the 2006-07 Budget. This legislation will establish the Debt Limit, Debt Rollover and Debt Extension.

2006-07 Debt Limit

The Debt Limit for tax-supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption

of principal on any borrowing approved as an exception to the Debt Limit (e.g. the Public Safety Building) and is further reduced by specific revenues attributable to bonded debt (e.g. Library Foundation Reimbursement).

The Debt Limit for FY 2006-07 is \$16,250,000. The attached Debt Authorization Plan calls for borrowing of \$16,078,000 in tax supported funds and an additional \$6,219,000 from Enterprise Funds.

Debt Rollover 2005-06 and 2004-05

The current and two previous fiscal years' Debt Authorization Plans are considered open so long as the rollover amounts are approved. This permits flexibility in the timing of authorizations which may vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of items in the debt plan, unauthorized, that are deemed as no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2005-06: The Debt Limit for this year is \$16,056,000. Of that, \$2,930,000 has been authorized, leaving a balance of \$13,126,000, for which approval of a rollover is requested. The plan was modified to include advance funding for Street Maintenance, City Hall Exterior Improvements and Manhattan Square Park as Council had been advised. The attached Debt Authorization Plan for 2005-06 itemizes remaining projects and details of changes resulting from advanced funding.

2004-05: The Rollover Limit for this year is \$4,247,000. Of that amount \$260,000 has been authorized, leaving a balance of \$3,987,000. Approval of a rollover of the balance is requested. An additional \$1,595,000 is requested for projects pertaining to Riverfront Development and Atlantic Avenue that were omitted from the requested rollover amount last year. The attached Debt Authorization Plan for 2004-05 itemizes projects remaining for that year.

Time Limit Extensions for 2003-04, 2002-03, 2001-02 and 2000-01

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available.

2003-04: The request for one-year extensions relates to programming and timing:

F-1 Security Improvements \$100,000
This amount is programmed for improvements at City facilities.

F-1 City Hall Exterior Renovations \$205,000
This amount is recommended to allocate to the

Mt. Hope Gatehouse Roof.

Total 2003-04 Extensions \$305,000

2002-03: The request for one-year extensions relates to programming and timing:

G-7 Port of Rochester \$1,167,000
This amount is recommended for retention for facility re-use.

G-8 Center City Signage \$126,000
Expenditures for this project are not yet complete.

F-2 Hazardous Waste Remediation \$47,000
Retaining this amount will support further improvements of this type.

Total 2002-03 Extensions \$1,340,000

2001-02: The request for one-year extensions relates to programming and timing:

T-9 Broad Street Subway Tunnel
(Historic Aqueduct, East Approach) \$152,000
This amount is recommended as the project has expanded to include Interpretive Center.

G-8 Gateway Improvements \$200,000
Retaining this amount will support Exchange Boulevard median improvements and crosswalks and West Main Street lighting improvements.

F-2 Hazardous Waste Remediation \$465,000
Retaining this amount will support further improvements of this type.

G-8 Housing Opportunity Initiatives \$387,000
This is the balance of a \$1,000,000 item originally programmed for the South River Corridor. This amount is to be reprogrammed for more housing initiatives.

G-8 Brooks Landing \$800,000
Various financial and regulatory delays affect this project to which the City remains committed.

Total 2001-02 Extensions \$2,004,000

2000-01: City Council has approved one-year extensions for three items from this year that involve Economic Development Initiatives. An additional extension, until June 30, 2007, is requested on the same basis that justified the first extensions.

G-8 West Main Street \$1,010,000
G-8 La Marketa 533,000
G-8 Brooks Landing 1,760,000

Total 2000-01 \$3,303,000

Each of these projects depend on the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. At the same time, the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AF-64

Resolution No. 2006-25
(Int. No. 224)

Resolution Approving The 2006-07 Debt Limit For General Municipal Purposes

BE IT RESOLVED, by the Council of the City of Rochester as follows:

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2006-07 to \$16,250,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2004-05 and 2005-06 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2003-04 relating to Security Improvements, and City Hall Exterior Renovations, from the debt limit for fiscal year 2002-03 relating to Port of Rochester, Center City Signage and Hazardous Waste Remediation, from the debt limit for fiscal year 2001-02 relating to the Broad Street Subway Tunnel, Gateway Improvements, Hazardous Waste Remediation, Housing Opportunity Initiatives and Brooks Landing, and from the debt limit for fiscal year 2000-01 relating to West Main Street, La Marketa and Brooks Landing.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2006-197
(Int. No. 226)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007, And Appropriation Of Sums Set Forth Therein

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2006 to June 30, 2007, providing for the expenditure of \$608,293,119, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2006-07 are hereby authorized to be expended and the sum of \$608,293,119 is hereby appropriated to the Board of Education for the following purposes:

| | |
|--------------|---------------|
| Operations | \$567,768,647 |
| Cash capital | 11,770,758 |
| Debt service | 28,753,714 |
| Subtotal | 608,293,119 |
| Tax reserve | 5,943,364 |
| Total | \$614,236,483 |

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2006-07 is hereby fixed and determined at \$506,175,322 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2006-07 providing for the raising of taxation on real estate for school purposes of the sum of \$108,061,161 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2006.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Santiago, Stevenson - 6.

Nays - Councilmembers Conklin, Miller, Pritchard - 3.

Ordinance No. 2006-198
(Int. No. 229)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$108,061,161, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2006 and expiring June 30, 2007 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2006 and expiring June 30, 2007.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2006 and expiring June 30, 2007.

Section 3. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-177
Re: Budget Amendment - Court
Watch - \$10,000

Transmitted herewith for your approval is an amendment to the 2005-06 Budget appropriating \$10,000 from Forfeiture Funds and increasing the budget of the Police Department by that amount to help underwrite expenses for the Court Watch program. This will continue an important initiative that City Council first funded last June.

Court Watch is a City-wide effort that relies on community volunteers to identify criminals involved in destructive neighborhood activities and to monitor the disposition of their cases in the criminal justice system. Volunteers observe courtroom activities and monitor the accountability of judges' decisions and District Attorney staff in vigorously prosecuting habitual offenders.

The requested funding will target Court Watch expenses for volunteers in several neighborhoods, including Sectors 3, 4, 8, 9, and 10. The funding will pay for parking expenses for volunteers attending Court appearances, office supplies, training sessions, web site updates and database maintenance. Coordination will be provided by the Sector 4 Community Development Corporation, which has worked with representatives of the other planning sectors to reinvigorate this important citizen-based program.

Respectfully submitted,
Adam C. McFadden Dana C. Miller
Councilmember Councilmember-at-Large
South District

Ordinance No. 2006-177
(Int. No. 236)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To Court Watch And Appropriating Funds - \$10,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ord. No. 2005-201, the 2005-06 Budget of the City Of Rochester, as amended, is hereby further amended by increasing the revenue and expense estimates of the Police Department by \$10,000, which amount is hereby appropriated from funds realized from seized and forfeited assets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-178
Re: Budget Amendment - Photo Archives
Maintenance - \$5,500

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$5,500 from the Contingency Account to the Department of Finance to provide resources for the maintenance of the City's Photo Archives.

As you know, the reorganization of the Bureau of Communications has resulted in the elimination of the position that formerly oversaw maintenance of the Archives. With the increased use of digital media, Communications no longer needs regular access to the Archive.

In order to ensure the preservation of the Archive as a valuable historic and aesthetic resource, the Department of Finance has agreed to accept responsibility for the collection and to incorporate it into the City's Records Archive. The estimated incremental cost of this maintenance is \$5,500 per year.

Respectfully submitted,
Lois J. Giess William F. Pritchard
President Councilmember-at-Large

Ordinance No. 2006-178
(Int. No. 225A)

Amending The 2006-07 Budget Of The City Of Rochester In Regard To Maintenance Of The Photo Archives - \$5,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City Of Rochester is hereby amended by transferring \$5,500 from the Contingency Account to the Department of Finance to fund the maintenance of the City's Photo Archives.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-179
Re: Budget Amendment - Family and
Victims Services - \$22,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$22,000 from the Contingency Account to the Undistributed Account to the Police Department for Family and Victims Services. This legislation will provide for restoration of a part-time counseling position.

The Family and Victims Services Unit provides programs and services to juveniles who have been involved with the criminal justice system, to families which have experienced disputes or disturbances, and to victims of child abuse or other crimes.

The Proposed Budget included reductions to this activity to reflect the fact that, while portions of these services were funded by grants, the City has been providing significant local support as well. In order to enable the funding of additional Police Officers, some

of the local funds were reprogrammed, resulting in the elimination of three positions.

While the addition of more Patrol Officers is vitally important, the Family and Victims Services contributions are also valuable. The proposed legislation provides funds for a half-time position to mitigate these cuts. In a related resolution, the Council encourages the Administration to seek new grant funds for these services and to restore additional positions during the year should such funds become available.

Respectfully submitted,
Benjamin L. Douglas Adam C. McFadden
Councilmember Councilmember
Northeast District South District

Ordinance No. 2006-179
(Int. No. 225B)

Amending The 2006-07 Budget Of The City Of Rochester In Regard To Family and Victims Services - \$22,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City Of Rochester is hereby amended by transferring \$20,000 from Contingency Account to the Police Department and \$2,000 from Contingency Account to the Undistributed Account for additional counseling services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-26
Re: Resolution of Budgetary Intent - Family and Victims Services Counselors

Transmitted herewith for your approval is a resolution of budgetary intent recommending that the Administration undertake an aggressive effort to generate additional outside funding sources to provide more Family and Victims Services counselors.

The Proposed 2006-07 Budget includes a reduction of three full-time counseling positions that are part of the whole range of choices that the Department made to enable the addition of twenty new Police Officers and the reassignment of eleven additional uniformed positions to Patrol. While that choice seems to be appropriate, many are concerned about the impact of the loss of the three counseling positions.

In a separate piece of legislation, Council is proposing the reinstatement of one-half of a counseling position through the transfer of funds from Contingency. This addresses part of the problem, but there are insufficient resources in the Proposed Budget to restore more than that.

This proposed resolution calls upon the Mayor and Chief of Police to work aggressively to develop new or enhanced funding sources so that the Family and Victims Services office can be staffed to meet the demand.

Respectfully submitted,

Benjamin L. Douglas Carolee A. Conklin
Councilmember Councilmember-at-Large
Northeast District

Resolution No. 2006-26
(Int. No. 225C)

Resolution of Budgetary Intent - Family and Victims Services Counselors

WHEREAS, for many years the Rochester Police Department has supported the need to deal with the victims of crime by providing a collection of services through the Family and Victims Services office, and

WHEREAS, for 2006-07, the Administration determined that adding more Patrol Officers to the Police Department was among their highest priorities, and

WHEREAS, in order to add twenty new Police Officers, financial realities required that reductions be made in other parts of the Police budget, and

WHEREAS, included in those reductions was the elimination of three positions from the Family and Victims Services office, as well as eleven other civilian positions throughout the department, and

WHEREAS, the result of the reductions in the Family and Victims Services office may be exceptionally high caseloads and difficulty in providing timely services, and

WHEREAS, it is unlikely that the City will have the local resources available to restore those services in the foreseeable future,

BE IT THEREFORE RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby requested to work closely with the Chief of Police and other appropriate members of the Administration to seek outside sources of revenue to enable an appropriate level of staffing for the Family and Victims Services office.

Section 2. The Mayor is further requested to report to City Council no later than December 31, 2006 as to the progress of these efforts.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-180
Re: Budget Amendment - Park
Patrol - \$27,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$27,000 from the Contingency Account to the Department of Environmental Services to finance the cost of park security. This legislation will restore the Park Patrol.

Rochester is blessed with beautiful parks, many of which are situated along the Genesee River gorge. The tranquility of our parks often depends upon their physical separation from traffic and buildings; that same distance provides a potential haven for inappropriate activities. In an effort to protect our parks

from vandalism and maintain security for park users, it is important that the Park Patrol is supported.

First instituted in 1991, the Park Patrol not only provides security, but also advises users of park rules and regulations as well as the historical, cultural and environmental features of the park.

Public safety is a central focus of the City government, and the Park Patrol plays a crucial role in providing security to citizens and visitors enjoying our parks.

Respectfully submitted,
Robert J. Stevenson Dana K. Miller
Councilmember Councilmember-at-Large
Northwest District

Ordinance No. 2006-180
(Int. No. 225D)

Amending The Proposed 2006-07 Budget In Regard To Park Security Personnel - \$27,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2006-07 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$27,000 from the Contingency Account to the Department of Environmental Services for the purpose of funding Park Patrol personnel and related equipment and supplies.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-181
Re: Budget Amendment - Security
Cameras - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$5,000 from Contingency Account to DES for security cameras.

During the past several years, the City has included the installation of security cameras as an eligible item through our various business assistance programs. The cameras have been popular and have been installed in numerous locations throughout the City.

A problem that has presented itself is the need for the responsible party to regularly change the videotape to ensure that the system works as designed. An alternative to the present system would be the use of digital cameras with a dedicated hard disc drive to store the images. This would allow the storage of significantly more material and would presumably make the entire system more reliable and user-friendly.

The proposed amendment would provide funds for two digital systems, one each to be installed on each side of the City as a demonstration project to test their effectiveness. It is recommended that Jones Square be one of the two areas to be designated, in response to the significant concerns voiced by neighbors about illegal activities occurring in that public space.

Respectfully submitted,

Carolee A. Conklin
Councilmember-at-Large

Robert J. Stevenson
Councilmember
Northwest District

Ordinance No. 2006-181
(Int. No. 225E)

Amending The 2006-07 Budget Of The City Of Rochester In Regard To Security Cameras - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from Contingency Account to DES for digital security cameras.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-182
Re: Budget Amendment - Summer
Camp Program - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services to support summer opportunities for City youth at the Right On School Summer Camp.

The Right On School camp is a program operated by St. Luke & St. Simon Cyrene Church, with support from the Episcopal Diocese, the Joan & Harold Feinbloom Foundation, and Ronald McDonald House Charities. Its goal is to provide experiences that help promising urban children achieve academic success and acquire positive life-images, confidence, and problem-solving skills. A life-long interest in learning and high goals for success are encouraged.

The school offers non-religious training that incorporates culturally diverse experiences to enrich and enhance the lives of City children. It also incorporates an anti-violence program to help develop coping skills for dealing with challenging situations. The program lasts for six weeks; this funding will permit one hundred children to attend.

Respectfully submitted,
Lois J. Giess Adam C. McFadden
President Councilmember
South District

Ordinance No. 2006-182
(Int. No. 225F)

Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Summer Camp -\$10,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City Of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the Right On School summer camp.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-183
Re: Budget Amendment - Toys for
Special Needs Children - \$2,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$2,000 from the Contingency Account to the Library to fund the purchase of toys for children with special needs at the Toy Library housed at the Lincoln Branch Library.

The Toy Library is an exceptionally successful portion of the Lincoln Branch, offering the opportunity for children to access playthings that may otherwise be unaffordable to them. As you know, toys are a valuable part of the education of young children, assisting with cognitive development, enhanced motor skills, and increased emotional satisfaction.

During the past several years, there has been an effort to develop toys that are appropriate for children with learning disabilities or other cognitive challenges. The availability of such toys at the Library would enhance the lives of such children and offer tangible support for their families.

Respectfully submitted,
Lois J. Giess Carolee A. Conklin
President Councilmember-at-Large

Ordinance No. 2006-183
(Int. No. 225G)

**Amending The Proposed 2006-07 Budget Of
The City Of Rochester In Regard To Toys For The
Public Library - \$2,000**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City of Rochester is hereby amended by transferring \$2,000 from the Contingency Account to the Library to purchase toys for children with special needs for the Toy Library at the Lincoln Branch.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-184
Re: Budget Amendment - Youth
Basketball Programs - \$6,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$6,000 from the Contingency Account to the Department of Recreation and Youth Services to fund two youth basketball programs.

City Council has long been committed to the proposition that Rochester's youth should have positive recreation outlets, particularly during the long summer months.

The Boys and Girls Clubs of Rochester, Inc. has served the community for 32 years, helping children learn life skills, develop positive relationships with adults, and play sports. The investment of \$5,000 would support year-long AAU Basketball at the Boys and Girls Clubs, and an additional \$1,000 would support the Chris Tuck and Press Murphy Summer Basketball Tournament, which is largely run by adult volunteers.

Providing our youth with activities lets them gain new experiences and develop skills. Getting kids involved in organized recreation also helps us support neighborhoods by keeping bored youth off the streets and fostering community among program participants and their families.

Respectfully submitted,
Adam C. McFadden Gladys Santiago
Councilmember Vice President
South District

Ordinance No. 2006-184
(Int. No. 225H)

Amending The Proposed 2006-07 Budget In Regard To Youth Basketball Programs - \$6,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2006-07 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$6,000 from the Contingency Account to the Department of Recreation and Youth Services for the purpose of funding youth basketball programs.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-185
Re: Budget Amendment - Recruitment
Efforts - Fire Department - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$5,000 from the Contingency Account to the Fire Department to enhance recruitment efforts.

During the budget hearings, it became apparent that the department has limited resources to dedicate to recruitment, especially the recruitment of minority-group and female candidates. Such efforts are especially important if the Fire Department is to improve the diversity of the force so that it more closely reflects the rich diversity of our citizenry.

Chief Madison has expressed a strong interest in developing additional tools to increase the diversity of the Department. It is anticipated that this allocation will be used to develop a recruitment program that can be included in the 2007-08 Budget in a fully-developed form.

Respectfully submitted,
Carolee A. Conklin John F. Lightfoot
Councilmember Councilmember
At-Large At-Large

Ordinance No. 2006-185
(Int. No. 225I)

Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Fire Department Recruitment - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Fire department to fund the development of a recruitment program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-186
Re: Budget Amendment - Leadership
Rochester Civic Engagement
Program - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$10,000 from the Contingency Account to the Department of Community Development to support the Leadership Rochester Civic Engagement Program.

The internships, currently in the fourth year of operation, are sponsored by the University of Rochester, Leadership Rochester, and the Sector 4 Common Council. They are designed to prepare young people for greater involvement and leadership in Rochester and in their home communities. The program emphasizes civic engagement, learning about urban issues, and encourages an appreciation of diverse cultural issues.

Built on the success of Leadership Rochester in preparing area leaders for an increasing role in the civic concerns of Rochester, this program also operates a series of workshops to teach students about such structures as the criminal justice, economic, cultural, and educational systems. The workshops will specifically examine Rochester institutions and services, and will also have broad application and meaning to those persons living and working in other urban areas. The program runs from October through April. An important goal of the Civic Engagement program is to retain young people who have recently graduated from college in the Rochester area.

The proposed funding will enable twelve persons to participate in the program.

Respectfully submitted,
Dana K. Miller John F. Lightfoot
Councilmember Councilmember
At-Large At-Large

Ordinance No. 2006-186
(Int. No. 225J)

Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Leadership Rochester Urban Fellows Program - \$10,000

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the Department of Community Development to fund the Leadership Rochester Urban Fellow Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-187
Re: Budget Amendment - Positive
Lifestyle Promotion - \$8,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$8,000 from the Contingency Account to the Bureau of Communications to finance the costs of creating television spots that promote a positive lifestyle for families and youth.

As we know, television is a powerful tool for disseminating information and promoting cultural norms. Sadly, much of the commercial content available to youth is destructive and negative in nature. This legislation provides funding for the creation of a positive lifestyle television promotional campaign. These promotional spots might include an anti-drug message, show conflict resolution, encourage kids to stay in school, demonstrate effective communication and listening skills for families, or address healthy eating issues.

The Federal Cable Act of 1991 includes a provision for Public, Education, and Government access channels, or PEG, by municipal cable franchisees. To date, there has been little emphasis on creating content for our government access channel, City 12. The proposed spots could be run on either the public access channel or City 12. If commercial channels were interested, the spots could be provided as public service ads.

These spots will be of professional quality in order to catch the eyes of viewers accustomed to commercial television productions and to portray the positive lifestyle as hip and desirable.

Respectfully submitted,
John F. Lightfoot Gladys Santiago
Councilmember-at-Large Vice President

Ordinance No. 2006-187
(Int. No. 225K)

Amending The Proposed 2006-07 Budget In Regard To Positive Lifestyle Television Promotion - \$8,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2006-07 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$8,000 from the Contingency Account to the Bureau of Communications for the purpose of funding a positive lifestyle television promotional campaign.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-188
Re: Budget Amendment - Police
Language Training - \$15,000

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$15,000 from the Contingency Account to the Police Department to fund Spanish Language training opportunities for Police Officers.

There is a large population of people in Rochester whose primary language is Spanish. When there are interactions between them and Police Officers, there can be communication problems that lead to misunderstandings and unnecessary confrontations.

The proposed funds will be used to create a "train the trainer" program in which ten officers will be trained in "workplace Spanish" through Empire State College. They, in turn, will provide ongoing training to other Officers to increase their communication abilities with Spanish-speaking citizens.

The program is similar to a program developed in the RPD for teaching American Sign Language (ASL) skills in recognition of the large deaf population in our community.

Respectfully submitted,
Gladys Santiago Benjamin L. Douglas
Vice President Councilmember
Northeast District

Ordinance No. 2006-188
(Int. No. 225L)

Amending The Proposed 2006-07 Budget Of The City Of Rochester In Regard To Police Language Training - \$15,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City of Rochester is hereby amended by transferring \$15,000 from the Contingency Account to the Police Department to provide funds for a Spanish-language training program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-189
Re: Budget Amendment - Downtown
City Living Program - \$5,000

Transmitted herewith for your approval is an amendment to the proposed 2006-07 Budget transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of a Downtown City Living program.

The continuation of the City's sponsorship of the Downtown City Living program will enable the furtherance of Council's agenda for a 24/7 downtown by building upon the success of City Living Sundays. The Downtown City Living program will again be supported by the Greater Rochester Association of Realtors, Bank of America, City Newspaper and the Landmark Society of Western New York. The Inside Downtown Tour is scheduled for September 29 and 30, 2006. The Landmark Society estimates that last year, over 1,000 people attended its tour, providing an excellent vehicle for promoting Downtown living.

Highlighting the unique quality of residential living in downtown will strengthen the desirability of our City and the willingness of individuals and businesses to invest in it.

Respectfully submitted,
William F. Pritchard Benjamin L. Douglas
Councilmember-at-Large Councilmember
Northeast District

Ordinance No. 2006-189
(Int. No. 225M)

Amending The 2006-07 Budget Of The City Of Rochester In Regard To The Downtown City Living Program - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2006-07 Budget of the City of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of the Downtown City Living program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-190
Re: Budget Amendment - Susan B. Anthony
Design Charette - \$2,500

Transmitted herewith for your approval is an amendment to the Proposed 2006-07 Budget transferring \$2,500 from the Contingency Account to the Department of Community Development to support a design charette for the Susan B. Anthony Neighborhood.

The use of design charettes for neighborhood planning has been extremely successful in bringing citizens together to envision the future of their neighborhood, as well as teaching citizens about the role of City government in planning, building, and maintaining the built environment. Charettes have produced creative designs and strengthened ties among residents and between the neighborhood and City Hall.

The Susan B. Anthony Neighborhood has an active neighborhood association that, along with other concerned residents, is very interested in having a design charette to map out a positive future for this area. The City has already made considerable investments along the West Main Street corridor, including the commercial buildings between Canal and Madison Streets and the award-winning Anthony Square housing development on the south side of West Main Street. This

modest investment will be used to leverage additional funds to implement the charette and to continue the revitalization of the Susan B. Anthony Neighborhood.

Respectfully submitted,
William F. Pritchard Lois J. Giess
Councilmember-at-Large President

Ordinance No. 2006-190
(Int. No. 225N)

Amending The Proposed 2006-07 Budget In Regard To The Susan B. Anthony Neighborhood Design Charette - \$2,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2006-07 Proposed Budget of the City of Rochester is hereby amended by transferring the sum of \$2,500 from the Contingency Account to the Department Community Development to support a design charette for the Susan B. Anthony Neighborhood.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-191,
Ordinance No. 2006-192,
Ordinance No. 2006-193,
Local Improvement No. 1564,
Ordinance No. 2006-194 And
Ordinance No. 2006-195

Re: 2006-07 Budget

Transmitted herewith for your approval is legislation relating to the 2006-07 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and the City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton Open Space District
 - f. Downtown Guide District
 - g. Downtown Enhancement District
 - h. High Falls Improvement District;

5. Confirm the addition to the tax roll of various assessments, fees and unpaid charges;
6. Authorize an increase in local works rates;
7. Authorize an increase in residential refuse rates; and
8. Authorize fee increases for various City services.

The 2006-07 proposed budget of the City was submitted to City Council on May 19. The proposed legislation is based upon this budget which provides for:

1. Total appropriations of \$1,032,782,119 allocated for the City and the School District as follows:

| | <u>Proposed 2006-07</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|--------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2005-06</u> | | |
| City | \$ 424,489,000 | \$14,462,600 | |
| | \$410,026,400 | | 3.5 |
| School | <u>608,293,119</u> | <u>20,334,255</u> | |
| | <u>587,958,864</u> | | 3.4 |
| Total | \$1,032,782,119 | \$34,796,855 | |
| | \$997,985,264 | | 3.5 |

Total non-tax revenue distributed between the City and the District as follows:

| | <u>Proposed 2006-07</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|--------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2005-06</u> | | |
| City | \$378,469,259 | \$20,199,034 | |
| | \$358,270,225 | | 5.6 |
| School | <u>506,175,322</u> | <u>27,648,967</u> | |
| | <u>478,526,355</u> | | 5.8 |
| Total | \$884,644,581 | \$47,848,001 | |
| | \$836,796,580 | | 5.7 |

2. Total tax levies of \$156,759,300 for the City and City School District as follows:

| | <u>Proposed 2006-07</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|-------------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2005-06</u> | | |
| Tax Revenue | \$148,137,538 | \$2,785,104 | |
| | \$145,352,434 | | 1.9 |
| Tax Reserve | <u>8,621,762</u> | <u>162,096</u> | |
| | <u>8,459,666</u> | | 1.9 |
| Tax Levy | \$156,759,300 | \$2,947,200 | |
| | \$153,812,100 | | 1.9 |

3. Total appropriations for the Local Works fund of \$14,556,800 and total assessments of \$14,397,300.

| | <u>Proposed 2006-07</u> | <u>Dollar Difference</u> | <u>Percent Difference</u> |
|--------------------|-----------------------------|------------------------------|-------------------------------|
| | <u>Amended 2005-06</u> | | |
| Street Maintenance | \$ 3,534,822 | \$ 568,328 | |
| | \$ 2,966,494 | | 19.1 |

| | | | |
|------------------|--------------|-------------|--|
| Sidewalk Repair | | | |
| 1,297,012 | 127,513 | | |
| | 1,169,499 | 10.9 | |
| Roadway Plowing | | | |
| 7,894,376 | 564,324 | | |
| | 7,330,052 | 7.7 | |
| Sidewalk Plowing | | | |
| 1,671,090 | 265,735 | | |
| | 1,405,355 | 18.9 | |
| Total | \$14,397,300 | \$1,525,900 | |
| | \$12,871,400 | 11.8 | |

| | | | |
|---------------------------|-----------|-------|--|
| Local Improvements | | | |
| 20,067 | 16,717 | | |
| | 3,350 | 499.0 | |
| Encroachments | | | |
| 4,600 | -225 | | |
| | 4,825 | -4.7 | |
| Rehabilitation/Demolition | | | |
| 228,018 | 130,143 | | |
| | 97,875 | 133.0 | |
| Code Violations | | | |
| 2,733,400 | 201,481 | | |
| | 2,531,919 | 8.0 | |

4. The budget for the Public Market was approved on March 15, 2006. The budgets for the Cascade and Norton Streetscapes and street malls were approved on April 12, 2006. The budgets for the lighting districts, open space districts, High Falls Business District, Downtown Enhancement Districts, Downtown Guides District, and parking lots were approved on May 19, 2006. The assessments required for the various programs consist of the following:

| | Proposed 2006-07 | Amended 2005-06 | Dollar Difference | Percent Difference |
|---------------------------------|---------------------|--------------------|----------------------|-----------------------|
| Street Malls | | | | |
| \$ 80,684 | | \$ -2,896 | | |
| | \$ 83,580 | | -3.5 | |
| Parking Lots | | | | |
| 59,900 | | -9,675 | | |
| | 69,575 | | -13.9 | |
| Public Market | | | | |
| 35,372 | | 9,235 | | |
| | 26,137 | | 35.3 | |
| Lighting and Sidewalks | | | | |
| 52,997 | | 18,532 | | |
| | 34,465 | | 53.8 | |
| Open Space Districts | | | | |
| 9,720 | | -125 | | |
| | 9,845 | | -1.3 | |
| Downtown Guides | | | | |
| 240,606 | | -48,689 | | |
| | 289,295 | | -16.8 | |
| Downtown Enhancement | | | | |
| 579,100 | | 32,100 | | |
| | 547,000 | | 5.9 | |
| High Falls Improvement District | | | | |
| 25,000 | | 0 | | |
| | 25,000 | | 0.0 | |
| St. Paul Street Streetscape | | | | |
| 20,649 | | 0 | | |
| | 20,649 | | 0.0 | |

6. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$1,410,000 in local works revenue.

7. A refuse rate increase for one-, two-, and three-family residences is proposed to balance the refuse fund. The proposed increase is expected to result in a net increase of \$1,316,400 in residential collection revenue.

8. Codify the authority of the Chief of Police to approve all Animal Control fees other than those established in the Municipal Code.

9. Codify the authority of the City Engineer to grant a waiver of fees for disconnection of utilities as part of a City demolition project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-191
(Int. No. 225, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2006-07 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2006 to June 30, 2007, providing for the expenditure of \$424,489,000, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2006-07 are hereby authorized to be expended and the sum of \$424,489,000 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

| | Proposed 2006-07 | Amended 2005-06 | Dollar Difference | Percent Difference |
|--------------------------------|---------------------|--------------------|----------------------|-----------------------|
| Delinquent Refuse | | | | |
| \$ 483,287 | | \$ -22,255 | | |
| | \$ 505,542 | | -4.4 | |
| Delinquent Water | | | | |
| 6,463,648 | | -32,384 | | |
| | 6,496,032 | | -0.5 | |
| Code Enforcement | | | | |
| 45,605 | | 16,310 | | |
| | 29,295 | | 55.7 | |
| Supplemental and Omitted Taxes | | | | |
| 210,918 | | -145,442 | | |
| | 356,360 | | -40.8 | |

| | | |
|-------------------------------|--------------|-------------------|
| City Council and Clerk | \$ 1,531,400 | |
| Administration | [10,215,700] | <u>10,223,700</u> |
| Community Development | [6,031,900] | <u>6,049,400</u> |
| Economic Development | 2,640,600 | |
| Environmental Services | [75,425,800] | <u>75,457,800</u> |
| Finance | [7,558,800] | <u>7,564,300</u> |
| Law | 1,850,500 | |
| Library | [10,617,800] | <u>10,619,800</u> |
| Recreation and Youth Services | [18,145,600] | <u>18,161,600</u> |
| Emergency Communications | 8,910,100 | |

| | | |
|------------------------|---------------|------------|
| Police | [67,192,800] | 67,227,800 |
| Fire | [41,139,700] | 41,144,700 |
| Undistributed Expenses | [93,353,400] | 93,355,400 |
| Contingency | [13,268,900] | 13,145,900 |
| Cash Capital | 30,964,000 | |
| Debt Service | 35,642,000 | |
| Sub-total | \$424,489,000 | |
| Tax Reserve | 2,678,398 | |
| Total | \$427,167,398 | |

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2006-07 is hereby fixed and determined at \$378,469,259 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2006-07 providing for the raising of taxation on real estate for municipal purposes of the sum of \$48,698,139 is hereby approved.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2006-07.

Section 6. This ordinance shall take effect on July 1, 2006.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2006-192
(Int. No. 227)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2006 And Expiring June 30, 2007

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$48,698,139, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2006 and expiring June 30, 2007, the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2006 and expiring June 30, 2007.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2006 and expiring June 30, 2007.

Section 3. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

Ordinance No. 2006-193
(Int. No. 228)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2006 And

Expiring June 30, 2007

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2006 and expiring June 30, 2007 are hereby in all respects confirmed:

| | |
|--|----------------|
| Street and Lot Maintenance | \$3,534,822.00 |
| Roadway Snow Removal | 7,894,376.00 |
| Sidewalk Snow Removal | 1,671,090.00 |
| Hazardous Sidewalk Repair | 1,297,012.00 |
| Delinquent Refuse | 483,287.48 |
| Delinquent Water Charges | 6,463,647.57 |
| Supplemental Taxes | 209,690.47 |
| Omitted Taxes | 1,227.79 |
| Street Malls | 80,684.00 |
| Arnold Park Monuments | 7,055.29 |
| Parking Lots | 59,900.00 |
| Code Enforcements | 45,604.50 |
| Code Violations | 2,733,400.00 |
| Local Improvements | 20,067.15 |
| Downtown Enhancement | 579,100.00 |
| Public Market Plowing | 4,503.13 |
| Public Market Security | 30,868.42 |
| Encroachment Fees | 4,600.00 |
| Rehabilitation Charges | 97,066.48 |
| Downtown Guides | 240,606.00 |
| Lyell Avenue Street Lights - District I | 2,373.42 |
| Lyell Avenue Street Lights - District II | 2,367.47 |
| Wilson Blvd. Street Lights | 522.76 |
| Blossom Road Lights | 609.42 |
| Merchants/Winton Open Space | 3,219.60 |
| Monroe Avenue Lights I | 7,094.71 |
| Monroe Avenue Lights and Sidewalk II | 9,517.87 |
| Norton Street District | 4,061.99 |
| Cascade District | 4,514.78 |
| Lake Avenue Lights | 3,646.92 |
| High Falls Business Improvement District | 25,000.00 |
| Demolition | 130,951.70 |
| South Avenue/Alexander Open Space | 6,500.00 |
| St. Paul Street Streetscape | 20,649.38 |
| St. Paul Street Lighting | 15,119.24 |
| Rundel Park Lighting | 3,168.68 |

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1564
(Int. No. 230)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2006 And Expiring June 30, 2007

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2006 to

June 30, 2007; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks; and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2006 to June 30, 2007:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2006-07 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2006-07 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefitted parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2006 shall be \$14,397,300 consisting of \$3,534,822 for street and lot maintenance, \$1,297,012 for sidewalk repair, \$7,894,376 for roadway snow removal, and \$1,671,090 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2006 and June 30, 2007, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2006 shall be billed on the tax bill and shall be due in one

installment. Delinquent assessments collected more than sixty days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

Ordinance No. 2006-194
(Int. No. 231)

Amending The Municipal Code With Respect To Refuse Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 20-24 of the Municipal Code, Residential and commercial user refuse fees, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

(1) Fees:

| <u>Number of Dwelling Units</u> | <u>Annual Fee</u> |
|---------------------------------|-------------------|
| 1 | \$338.00 |
| 2 | 677.00 |
| 3 | 752.00 |

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

Ordinance No. 2006-195
(Int. No. 232)

Amending The Municipal Code With Respect To Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 30 of the Municipal Code, Animals, as amended, is hereby further amended by adding thereto the following new Section:

Section 30-41. Fees.

The Chief of Police shall establish fees for adoption of animals other than cats and for additional services offered by the Animal Control Center.

Section 2. Section 31-20 of the Municipal Code, Fees for dog licenses and dog control activities, as amended, is hereby further amended by adding thereto the following new subsection:

D. The Chief of Police shall establish fees for additional services offered by the Animal Control Center.

Section 3. Section 47A-7 of the Municipal Code, Permit application materials, as amended, is hereby further amended by adding to the end of subsection B(17) thereof the following new sentence:

The City Engineer is authorized to waive permit fees for work being done as part of the demolition

of City owned structures.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4 And
Ordinance No. 2006-196

Re: Amending the City Charter

Transmitted herewith for your approval is legislation amending the City Charter so that changes in the organization of the Administration, which are presented in the Proposed Budget, will be reflected accurately. These changes include:

1. The Department of Parks, Recreation and Human Services will become the Department of Recreation and Youth Services. There will be a concomitant change in the name of the Commissioner.
2. The functions of Forestry and Parks Maintenance will be transferred to the Department of Environmental Services. This will incorporate into DES all maintenance of City-owned facilities and properties. Parks programming and permitting will remain with the Department of Recreation and Youth Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 4
(Int. No. 233, As Amended)

Local Law Amending The City Charter With Respect To The Name And Functions Of The Department Of Parks, Recreation And Human Services

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by deleting the words "Department of Parks, Recreation and Human Services" in each place that they appear therein, and by inserting in their place the words "Department of Recreation and Youth Services". The Charter of the City of Rochester is hereby further amended by deleting the words "Commissioner of Parks, Recreation and Human Services" in each place that they appear therein and by inserting in their place the words "Commissioner of Recreation and Youth Services".

Section 2. Section 7-1 of the Charter of the City of Rochester, Department of Environmental Services, as amended, is hereby further amended by adding the words "forestry[, parks] and" before the words "municipal property maintenance;" where they are contained in the first unnumbered paragraph thereof.

Section 3. Section 11A-1 of the Charter of the City of Rochester, Department of Recreation and Youth Services, as amended in Section 1, is hereby further amended by amending the first sentence thereof to read in its entirety as follows:

The Department of Recreation and Youth Services shall be responsible for the administration of programs providing recreation, cultural and other leisure-time services to residents; for parks programming and maintenance; for the administration of youth services programs; and for providing such other special events and public services as may be required and assigned to the Department, including responsibility for Mount Hope and Riverside Cemeteries, the Community War Memorial and the Public Market.

Section 4. This local law shall take effect on July 1, 2006.

Underlined material added.

Passed unanimously.

Ordinance No. 2006-196
(Int. No. 234)

Amending The Municipal Code With Respect To The Commissioner Of Parks, Recreation And Human Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Municipal Code of the City of Rochester, as amended, is hereby further amended by deleting the words "Commissioner of Parks, Recreation and Human Services" in each place that they appear therein, and by inserting in their place the words "Commissioner of Recreation and Youth Services".

Section 2. This ordinance shall take effect on July 1, 2006.

Passed unanimously.

By Councilmember McFadden
June 20, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 196 - Authorizing An Agreement With The County Of Monroe For The Emergency Training And Information Network (ETIN)

Int. No. 197 - Adopting The National Incident Management System (NIMS)

Int. No. 198 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 199 - Authorizing An Agreement Relating To Lifespan Training And Amending The 2005-06 Budget

Int. No. 200 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 220 - Establishing Maximum Compensation For A Professional Services Agreement For Accreditation Of The Rochester Police Department

Respectfully submitted,
Adam C. McFadden

Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-199
Re: Inter-Municipal Agreement - Emergency
Training and Information Network

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the City to provide and install equipment and provide broadcast transmission for the Emergency Training and Information Network (ETIN). Monroe County will grant access to its public safety facilities for installation of the equipment.

The County will pay the City an annual fee of \$1,000 per site for signal transmission, available programming and the Enhanced Software Support Plan (ESSP). The eleven sites covered by this agreement are:

Office of the Sheriff
Zone A - 789 Linden Avenue
Zone B - 245 Summit Point Road
Zone C - 4201 Buffalo Road
Admin. Office, 30 W. Broad Street
Jail, 130 S. Plymouth Avenue
750 E. Henrietta Road
Airport Fire
1 Airport Way
Monroe County Fire Bureau
Administrative Office, 1190 Scottsville Road
Monroe County EMS Office
1190 Scottsville Road
Office of Emergency Preparedness
1190 Scottsville Road
Department of Health
111 Westfall Road

All equipment installed through this agreement was purchased as part of a grant from the Department of Homeland Security, Federal Emergency Management Agency that was included in Ordinance No. 2004-377.

The network will provide secure, timely and continuous training and information to 103 emergency response agencies and hospitals with the potential to link jurisdictions nationwide to a single point of distribution for Metropolitan Medical Response System training and information. Users will have access to a library containing multi-disciplinary and agency specific training tools and information.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-199
(Int. No. 196)

**Authorizing An Agreement With The County
Of Monroe For The Emergency Training And
Information Network (ETIN)**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to en-

ter into an agreement with the County of Monroe whereby the City will provide and install equipment and provide broadcast transmission as a part of the Emergency Training And Information Network (ETIN) to County public safety facilities.

Section 2. The agreement shall obligate the County to pay to the City an amount not to exceed \$1,000 per facility per year for signal transmission, available programming and the Enhanced Software Support Plan (ESSP).

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-200
Re: National Incident Management System

Transmitted herewith for your approval is legislation authorizing the adoption of the National Incident Management System (NIMS) as the City of Rochester standard for incident management.

On February 28, 2003, President Bush issued Homeland Security Presidential Directive 5, directing the Secretary of Homeland Security to develop and administer a National Incident Management System. NIMS provides a consistent, nationwide approach for governmental agencies to work together effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. All state and local governments are required to formally adopt NIMS as a condition for receipt of Federal preparedness assistance through grants, contracts or other activities.

NIMS establishes uniform standards relating to: terminology, organizational structures, interoperable communications, consolidated action plans, unified command structures, personnel qualifications, planning, and training. NIMS also establishes comprehensive resource management and designates incident facilities for Federal, State, local, and tribal governments to respond to emergencies or disasters.

With the adoption of NIMS, Rochester will ensure its ability to receive future Federal grants and contracts, and will also improve the City's procedures for managing personnel, communications, facilities and resources to enhance local agency readiness, maintain first responder safety, and streamline incident management processes.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-200
(Int. No. 197)

**Adopting The National Incident Management
System (NIMS)**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the National Incident Management System (NIMS) as the City standard for incident management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-201
Re: Veterinary Services for the Animal
Services Unit for 2006-07

Transmitted herewith for your approval is legislation authorizing agreements to provide veterinary services for the City's Animal Services Unit during 2006-07, at a cost not to exceed \$86,500. These funds are included in the proposed 2006-07 Budget of the Police Department, Animal Services Unit.

Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided on-site through agreements with several licensed veterinarians. Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2006-07 are as follows:

| | |
|---|--------------|
| On-site veterinary services (daily visits, spay/neuter surgeries) | \$65,000 |
| Animal emergency services (evening/weekend emergencies) | <u>5,000</u> |
| Total | \$70,000 |

Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, and from the Low-Income Spay-Neuter (LISN) Program. Estimated revenues from these two sources for 2006-07 are approximately \$65,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-201
(Int. No. 198)

Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Control Shelter for 2006-07. Said amount shall be funded from the 2006-07 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-202
Re: Budget Amendment - Lifespan
Training Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Lifespan of Greater Rochester, Inc., for the acceptance of a grant of \$14,400 and amending the 2005-06 budget to reflect the receipt and use of the funds.

The grant will reimburse the City for services provided to Lifespan by members of the Rochester Police Department during 2006, including training on elder abuse and training of first responders.

Lifespan is a non-profit organization based in Rochester, New York, dedicated to providing information, guidance and services that help older adults take on the challenges and opportunities of longer life. Lifespan was founded in 1971, has a \$5.3 million annual budget and receives support from government, The United Way of Greater Rochester, numerous foundations, private contributors and through service fees.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-202
(Int. No. 199)

Authorizing An Agreement Relating To Lifespan Training And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan of Greater Rochester, Inc. for reimbursement of training provided to Lifespan by members of the Rochester Police Department.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$14,400, which amount is hereby appropriated from the funds to be received through the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-203
Re: Center for Dispute Settlement, Inc. -
Police Complaint Management Services

Transmitted herewith for your approval is legislation authorizing a one year agreement for \$89,400 with the Center for Dispute Settlement, Inc. (CDS), for the continued provision of complaint management services. Funds for this agreement are included in the proposed 2006-07 Budget. This is a reduction of \$19,400 from last year's amount (Ord. No. 2005-183).

CDS will administer the citizen complaint review process established by City Council Resolution No. 92-40, including selection and training of panelists, conduct of hearings, and maintenance of related records. CDS will continue to provide complaint intake services at its offices, for potential complainants who do not wish to come to Police Department offices, conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for Sec.75 hearings.

During calendar 2005, CDS administered 30 Citizen Review Board hearings, as compared to 41 hearings in 2004. There were no conciliation sessions.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-203
(Int. No. 200)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$89,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2006-07 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-204
Re: National Accreditation by the
Commission on Accreditation for
Law Enforcement Agencies (CALEA)

Transmitted herewith for your approval is legislation authorizing an agreement with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) for services related to national accreditation of the Rochester Police Department, at a cost not to exceed \$15,895. This will be funded from the 2005-06 Budget.

The Police Department was initially accredited by CALEA in November 1987, becoming the first New York State law enforcement agency to receive national accreditation. It has been reaccredited regularly since then.

The accreditation process provides the benefit of the highest caliber of professional expertise in reviewing, analyzing and improving internal policies and procedures. When successfully completed, it provides a national "seal of approval" that benefits the City in dealings with other agencies, the courts, and the public. It also requires periodic review and update of management practices, an important function that often gets postponed in the press of day-to-day operations.

The \$15,895 will cover both the reaccreditation fee of \$7,395 and anticipated costs incurred by CALEA staff during the site visit in August 2006.

Respectfully submitted,
Patricia Malgieri
Deputy Mayor

Ordinance No. 2006-204
(Int. No. 220)

Establishing Maximum Compensation For A Professional Services Agreement For Accreditation Of The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,895, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) for the accreditation of the Rochester Police Department. Said amount shall be funded from the 2005-06 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
June 20, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 201 - Local Law Extending The Residential-Commercial Urban Exemption Program

Int. No. 202 - Approving Business Programs

Int. No. 203 - Approving The 2006-07 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 204 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows, As Amended

Int. No. 205 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 222 - Establishing Maximum Compensation For Agreements For The South Avenue Parking Garage, Appropriating Funds And Amending The 2005-06 Budget

Int. No. 223 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of Structural Improvements To The South Avenue Parking Garage Within The City

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 5
Re: Reauthorization of Residential-
Commercial Urban Exemption
Program (CUE)

Transmitted herewith for your approval is legislation reauthorizing Residential-Commercial Urban Exemption Program (CUE).

CUE was authorized in 2004 by Local Law No. 3 which enacted Section 485-a of the New York State Real Property Tax Law, known as the Residential-Commercial Urban Exemption Program. The program allows cities with populations of 50,000 to 1,000,000 to provide tax exemptions for certain classes of mixed-use properties.

The objective of the program is to facilitate the conversion of underutilized office, retail, manufacturing and warehouse buildings in order to promote residential uses in the Center City. Under CUE, a non-residential property, upon conversion to mixed-use (residential-commercial), can be partially exempted from taxation and special *ad valorem* levies for a period of twelve years. The exemption is applied to the increase in assessed value attributable to the conversion to mixed-use.

The structure of the partial tax exemption is as follows:

| <u>Year of Exemption</u> | <u>Exemption</u> |
|--------------------------|------------------------|
| 1-8 | 100% of exemption base |
| 9 | 80% |
| 10 | 60% |
| 11 | 40% |
| 12 | 20% |

CUE is currently restricted to mixed-use conversion projects located in the Center City District, which is defined by Zoning Ordinance. To qualify for the exemption, property owners are required to invest at least \$250,000 in converting the property. Further, owners must provide a minimum of 25% of the total developed space for residential use.

The three-year term, which expired in March 2006, specified in the 2003 Local Law was intended to ensure an evaluation of the program's utility in promoting market-rate residential development. Since its inception, seven property owners have qualified for the CUE Program and other interested developers and building owners have expressed interest in enrolling properties. The attached table provides detailed information about these projects and includes:

1. Enrolled properties receiving the exemption;
2. Properties that will soon be enrolled; and
3. Potential properties that may be enrolled should CUE be extended.

The seven projects currently enrolled have resulted in an investment of more than \$14 million and the creation of an additional 104 market-rate housing units in the Center City. The value of these properties has increased by more than \$5.6 million.

The Rochester Downtown Development Corporation reports that vacant office space continues to experience a substantial vacancy rate of 25%, virtually the same as 2003. Included in this vacancy rate are CUE candidates (categories #2 and #3 in the attachment). Two of these properties have not yet commenced construction and are awaiting program approval. These projects represent a combined investment estimated at \$3.5 million. Six additional properties would be considered for development should CUE be extended.

Based on recent program enrollment, interest expressed in CUE and the current downtown vacancy rate, it is recommended that the program be extended for an additional three years, when it would again be evaluated for extension.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-65

Local Law No. 5
(Int. No. 201)

Local Law Extending The Residential-Commercial Urban Exemption Program

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Section 6-71.7 of the Charter of the City of Rochester, Residential-Commercial Urban Exemption Program, shall remain in effect for the 2007, 2008 and 2009 assessment rolls. Any property that is granted an exemption on one of those rolls shall remain eligible for the additional years of exemption on that property, provided the property continues to meet the requirements of Section 485-a.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-205
Re: Community Development Block
Grant - Business Programs

Transmitted herewith for your approval is legislation appropriating a total of \$1,321,700 for the Business Programs from the Economic Stability allocation of the 2006-07 Community Development Block Grant; and authorizing agreements necessary to implement the following programs:

Business Assistance Program (\$80,000)

The program provides technical assistance from consultants in the fields of business practices and accounting, advertising, store design, computer hardware and software selection, and visual merchandising. A matching grant assists businesses with the implementation of consultant recommendations. Forty businesses will be assisted.

Business Association Support (\$80,000)

This program provides funds to business associations for physical improvements in neighborhood commercial districts and small area promotions. Assistance will be provided to eighteen associations.

Industrial Revolving Loan Fund (\$611,700)

The fund provides below market rate loans to large and small industries. The proceeds of the loans may be used for the purchase of machinery and equipment. The fund will also be used for real estate loans involving acquisitions, additions or improvements. An equity investment is required. The loan will be converted to a grant in cases where the business meets pre-determined job generation goals. In addition, a City Development Fund appropriation of \$100,000 was included in the 2006-07 Consolidated Community Development Plan that was approved by City Council on May 16, 2006.

Minority Enterprise Small Business Investment Company MESBIC (\$200,000)

Ibero American Investors was established in 1979 to promote the development of small businesses owned by women and minorities. Financial assistance is provided through loans or equity investments. Projects funded by the City must be in the Empire Zone, ECZ or in a targeted area such as La Marketa. Fourteen businesses will be assisted.

Pre-Development Grants (\$100,000)

This initiative provides grants to businesses and eligible development entities for the following purposes: environmental investigation, feasibility analysis, preliminary architectural and engineering analysis, and appraisals necessary to quantify the redevelopment costs of brownfield sites.

Matching Grant for Architectural Services (\$10,000)

The project provides a matching grant of up to \$2,000 for architectural services to assist with the rehabilitation of commercial buildings. Five businesses will be assisted.

Security Camera/Lighting Grant (\$100,000)

This project provides a matching grant of up to \$2,000 for the purchase and installation of security camera systems. Funds may also be used to purchase and install exterior security lighting. Fifty businesses will be assisted.

Matching Grant Sign Program (\$40,000)

The project provides a matching grant of up to \$2,000 to businesses for the purchase and installation of signage. The installation must be approved by the Bureau of Buildings and Zoning. Twenty businesses will be assisted.

Targeted Business Assistance Program (\$100,000)

This program provides loans, grants and interest rate subsidies to assist targeted businesses that have barriers in regards to access to capital needed for growth. Loans, grants and interest rate subsidies will be provided to eleven businesses. In addition, a CDF appropriation of \$50,000 was included in the 2006-07 Consolidated Community Development Plan that was approved by City Council on May 16, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-205
(Int. No. 202)

Approving Business Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Economic Stability Allocation of the 2006-07 Community Development Program the sum of \$1,321,700, or so much thereof as may be necessary, to fund the following programs in the following amounts:

| | |
|---------------------------------------|-----------|
| Business Assistance Program | \$ 80,000 |
| Business Association Support Program | 80,000 |
| Industrial Revolving Loan Fund | 611,700 |
| MESBIC | 200,000 |
| Pre-Development Grants | 100,000 |
| Architectural Services Matching Grant | 10,000 |
| Security Camera/Lighting Grant | 100,000 |
| Sign Program Matching Grant | 40,000 |
| Targeted Business Assistance Program | 100,000 |

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-206
Re: Cultural Center Commission -
2006-07 Budget

Transmitted herewith for your approval is legislation relating to the 2006-07 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve and appropriate the budgets proposed by the Commission for 2006-07; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on March 14, 2006. They have been reviewed by the Budget Bureau of the City and the Office of Management and Budget of Monroe County. Approval of the budgets by the City Council and the County Legislature is required by New York State

Law. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council and the Legislature in 1980.

The total amount of funds available to the Commission for use during 2006-07 is \$486,934.

Budget Summary

| | <u>2006-07</u> | <u>2005-06</u> |
|---------------------------|----------------|----------------|
| Revenue: | | |
| Property Maintenance Fund | \$ 60,000 | \$ 60,000 |
| Sale of 130 East Avenue | | 30,000 |
| Total | \$ 60,000 | \$ 90,000 |
| Operating: | | |
| Salaries | \$ 54,575 | \$ 52,690 |
| Office expenses | 100 | 250 |
| Telephone and postage | 600 | 600 |
| Printing and advertising | 0 | 500 |
| Dues and subscriptions | 0 | 64 |
| Training and meetings | 500 | 500 |
| Professional services | 5,000 | 5,000 |
| Fringe benefits | 21,580 | 21,578 |
| Marketing | 2,000 | 2,000 |
| Contingency | 500 | 500 |
| Total | \$ 84,855 | \$ 83,682 |
| Capital: | | |
| Development | \$232,034 | \$474,989 |
| Streets | 216,765 | 17,585 |
| Exec. design consultant | 25,035 | 25,035 |
| City/County charges | 13,100 | 12,700 |
| Total | \$486,934 | \$530,309 |

The budget indicates the general purpose for which the available funds may be used. While it does not represent commitments to specific projects, the Commission has provided assurance that they will contribute \$200,000 to the City for the Cultural District sidewalk replacement project. Any funds not utilized during 2006-07 will be reappropriated for the 2007-08 budget.

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 14, 2005 for the 2005-06 budget. The Commission has a comparable ability to approve the transfer of operation appropriations pursuant to a Council authorization of September 9, 1981.

The City's portion of the funding for this program, including the above-proposed budget, is limited to the balance available in the City's 1989 Cash Capital fund, which is \$191,900.

The budgets will be considered by the Monroe County Legislature on June 13.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-206
(Int. No. 203)

Approving The 2006-07 Operating And Capital Budgets Of The Cultural Center Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2006-

07 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 1 of 2006. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Economic Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2006-207
Re: Agreements for Laser Shows -
Lightscape Media Corporation
and Young Explosives

Transmitted herewith for your approval is legislation authorizing agreements with Lightscape Media Corporation (previously known as Stone Mountain Productions), Stone Mountain, GA, for \$163,700 and Young Explosives, Rochester, for \$44,600, for the 2006-07 High Falls laser shows.

Lightscape Media will provide 55 laser shows at High Falls and monthly maintenance on City-owned laser equipment in the Genesee River Gorge. The cost of this agreement will be a total of \$143,700: \$82,500 for laser shows and \$61,200 for maintenance of the laser equipment, and will be funded from the 2006-07 Budget.

Lightscape Media will provide an update for the "River of Light" show, which was last updated five years ago. The cost of the new laser show production will be \$20,000, and will be funded from 2002-03 Cash Capital.

Young Explosives will provide aerial fireworks and pyrotechnic displays to accompany laser shows at High Falls. The cost of this agreement is \$44,600 and will be funded from the 2006-07 Budget.

A total of 55 laser shows will occur on Thursdays, Fridays and Saturdays, July 1 through September 2, 2006. The 2007 season will include Thursday through Saturday laser shows, May 26 through June 30, 2007. Special holiday shows will be scheduled for the Labor Day weekend, December holidays, New Year's Eve, and Memorial Day weekend. A projected schedule is attached. Attendance for 2005-06 is estimated at 150,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AF-66

Ordinance No. 2006-207
(Int. No. 204, Amended)

Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$82,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and [Stone Mountain Productions] Lightscape Media Corporation for laser shows at High Falls. Said amount shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services.

Section 2. The sum of \$61,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and [Stone Mountain Productions] Lightscape Media Corporation for maintenance of the laser equipment at High Falls. Said amount shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and [Stone Mountain Productions] Lightscape Media Corporation for production of a new laser show for High Falls. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 4. The sum of \$44,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for aerial fireworks displays to accompany laser shows at High Falls. Said amount shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-208
Re: Agreement - Young Explosives,
Fireworks Displays

Transmitted herewith for your approval is legislation authorizing an agreement with Young Explosives, Rochester, for provision of aerial fireworks displays on July 4, 2006 and December 31, 2006. The maximum cost of this agreement will be \$52,000, which will be financed from the 2006-07 Budget (\$34,000) and the Rochester Events Network trust fund (\$18,000).

At the request of Councilmember John Lightfoot, \$7,000 was added to this year's budget. This will enable a more elaborate July 4 display which will last about twenty minutes. There will be a longer main display, a larger grand finale, and several special effect "flight" shells during the display.

The New Year's Eve display will be part of an overall New Year's Eve Celebration in downtown Rochester. This midnight display will extend for about eighteen minutes.

Both displays will be launched over the Genesee River

from the entrance ramp to route I-490 eastbound. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1.0 million of liability insurance.

Young Explosives does not employ any persons below the age of eighteen, a requirement for licensing in the U.S. And, Young Explosives has provided assurance that their domestic purchases come solely from licensed vendors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-208
(Int. No. 205)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for Fourth of July and New Year's Eve aerial fireworks displays. Of said amount, \$34,000 shall be funded from the 2006-07 Budget of the Department of Parks, Recreation and Human Services, and \$18,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-209 And
Ordinance No. 2006-210
Re: South Avenue Garage

Transmitted herewith for your approval is legislation related to the South Avenue Parking Garage Project. This legislation will:

1. Authorize an agreement with the New York State Dormitory Authority for the receipt and use of a Community Enhancement Facilities Assistance Program (CEFAP) Grant in the amount of \$4,200,000 to partially finance the reconstruction costs of the Garage;
2. Amend the Cash Capital Allocation of the 2005-06 Budget by \$3,945,000 from the above grant (the remaining funds will be appropriated in July 2006);
3. Authorize the issuance of bonds totaling \$1,600,000 and the appropriation of the proceeds thereof to partially finance the cost of the project. This debt was planned for in the 2005-06 Capital Improvement Plan;
4. Authorize an agreement with FRA Engineering, Henrietta NY, for engineering design, construction phase design, and resident project representation services in an amount not to exceed \$580,000, the cost of which will be funded from the above grant (\$100,000) and bonds autho-

ized by Ord. No. 2005-267 (\$480,000); and

5. Authorize an amendatory agreement for \$20,000 with WJE Engineers & Architects, PC, New York City, for additional services related to a safety study of the South Avenue Parking Garage. This will bring the total cost of the agreement, approved by Council in May 2006, to \$70,000. The cost of the amendatory agreement will be funded from the bond appropriation requested herein.

On April 21, 2006 portions of the helical ramp of the South Avenue Garage collapsed. The garage has remained closed pending a review of its safety from WJE Engineers & Architects, PC. The preliminary examination by WJE indicated that the remaining outer levels of the helical ramp were not salvageable and they are being demolished. The core of the helix will remain, as it may have use in future ramp construction.

The South Avenue Garage, constructed in 1971, with over 1800 parking spaces, is centrally located to the downtown hotel, convention and business district. Its operation is vital to the economic development of downtown and every effort is being made to assure public safety prior to reopening the garage. The helical ramp is critical to the efficient operation of the South Avenue wing of the garage and its quick replacement is imperative.

The estimated cost of the emergency response to the collapse, including the demolition of the remaining levels of the existing helix and other related expenses, is \$1,200,000, which is currently being financed from the 2005-06 Budget and appropriations for on-going garage rehabilitation authorized by Council in August 2005. The bond authorization being requested herein will replenish the project contingency funds used to fund these emergency response costs.

The \$4.2 million (CEFAP) Grant being appropriated herein will partially finance the reconstruction. This grant is the result of the work of Assemblyman David Gantt on behalf of the City. The remainder of the reconstruction costs (\$380,000) will be funded from proceeds of the bonds requested herein.

It is anticipated that design of the replacement structure will begin this summer and be completed this fall. The construction of the new structure is planned to begin this fall. Duration of the construction of the new structure and impacts on garage usage will be determined during the design process.

Statements of qualifications and proposals were solicited from eleven firms; five firms responded. FRA Engineering was selected based on their expertise in parking garage design and construction, and their understanding of the schedule, site constraints, internal operations and significance of architectural components. FRA will provide design, construction phase design, and resident project representation services during construction of the project. The cost of the agreement will be financed from the grant appropriation requested herein.

The WJE safety study of the garage includes immediate safety concerns which need to be remedied before the garage is reopened. These are being addressed and it is anticipated that the garage will be partially opened once on-going rehabilitation work can be completed and the garage readied for use. WJE will provide additional reports dealing with the cause

of the collapse and a review of the rehabilitation project. Recommendations made by WJE will be evaluated and used to incorporate necessary revisions into the on-going rehabilitation project. The amendatory agreement will allow for additional evaluations and consultations related to this garage and the City's garage maintenance program.

The on-going rehabilitation work on the South Avenue Garage will continue into 2007, as previously anticipated.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-209
(Int. No. 222)

Establishing Maximum Compensation For Agreements For The South Avenue Parking Garage, Appropriating Funds And Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into necessary agreements with the New York State Dormitory Authority to participate in and administer a Community Enhancement Facilities Assistance Program (CEFAP) Grant for the reconstruction of the South Avenue Parking Garage.

Section 2. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$4,200,000, or so much thereof as may be necessary, is hereby appropriated from Community Enhancement Facilities Assistance Program (CEFAP) Grant Funds to fund the reconstruction of the South Avenue Parking Garage. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$3,945,000, which amount shall be funded from this appropriation.

Section 4. The sum of \$580,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering for engineering design, construction phase design and resident project representation services related to the replacement of the helical ramp of the South Avenue Parking Garage. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Of said amount, \$100,000 shall be funded from the 2005-06 Cash Capital Allocation and \$480,000 shall be funded from Bond Ordinance No. 2005-267.

Section 5. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and WJE Engineers & Architects, PC for a safety study of the South Avenue Parking Garage. Said amount shall be funded from a bond ordinance adopted for the reconstruction of the South Avenue Parking Garage.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-210
(Int. No. 223)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of Structural Improvements To The South Avenue Parking Garage Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional costs of the construction of structural improvements, including demolition necessary to construction of the improvements, to the South Avenue Parking Garage within the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$12,659,300. The plan of financing includes the issuance of \$1,600,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$310,000 bonds previously appropriated in Ordinance No. 2004-60, \$6,500,000 bonds previously appropriated in Ordinance No. 2005-267, \$49,300 in current City funds and \$4,200,000 appropriated from Community Enhancement Facilities Assistance Program (CEFAP) Grant Funds from the New York State Dormitory Authority, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest

by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

The meeting was adjourned at 9:24 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
JULY 18, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Budget Bureau

*William Ouzer

Fire Department

Anthony Infantolino

Ronald Scarpulla

Robert M. Wegman

Police Department

David Druzynski

Timothy Hickey

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Special Council Meeting of June 14, 2006 and the Regular Meeting of June 20, 2006 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Public Disclosure - HOME Participation 3847-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 2004-05 And 2005-06 Consolidated Community Development Plans By Transferring Funds, Amending Ordinances And Authorizing Agreements For The Residential Assistance Program, As Amended Int. No. 247 No Speakers.

Amending The 1995-96 Through 2004-05 Consolidated Community Development Plans By Transferring Funds, And Amending Ordinances, Authorizing Agreements And Appropriating Funds Int. No. 261 No Speakers

Amending The 2003-04 Consolidated Community Development Plan By Transferring Funds For The Glendale Park Group Curb Replacement Project And Amending Ordinance No. 2004-108 Int. No. 249 No Speakers

Approving A Decrease In The Pavement Width Of Trinidad Street Between Hebard Street And North Union Street Int. No. 250 No Speakers.

Approving Changes In The Pavement Width Of

Glide Street Between Emerson Street And Lyell Avenue Int. No. 251 No Speakers.

Authorizing Agreements For The 2006 Summer Of Opportunity Program And Amending The 2006-07 Budget Int. No. 269 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
July 18, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 237 - Authorizing The Sale Of Real Estate

Int. No. 238 - Approving Library Grants And Amending The 2006-07 Budget

Int. No. 239 - Appropriating Funds For Renovations To The Wheatley Branch Library

Int. No. 240 - Approving Release Of Easement

Int. No. 241 - Authorizing An Agreement For The Home Room Program

Int. No. 242 - Authorizing An Agreement For Continued Administration Of The Joint Energy Conservation Program

Int. No. 243 - Authorizing An Agreement For The Get The Lead Out Program

Int. No. 244 - Authorizing An Agreement For A Neighborhood Improvement Program

Int. No. 245 - Authorizing An Agreement For Elevator Inspection Services

Int. No. 246 - Amending The 2006-07 Budget With Respect To The Neighborhood Empowerment Team

Int. No. 262 - Amending The City Development Fund As Approved In Ordinance No. 2006-100 And Authorizing Agreements

Int. No. 263 - Establishing Maximum Compensation For A Professional Services Agreement For A Housing Market Analysis And Amending The 2006-07 Budget

Int. No. 267 - Authorizing The Sale Of Real Estate And An Agreement For Housing With The Ibero-American Development Corporation

Int. No. 268 - Resolution Approving Appointment To The Zoning Board Of Appeals

Int. No. 221 - Amending The Municipal Code With Respect To Certificates Of Occupancy, As Amended

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 247 - Amending The 2004-05 And 2005-06 Consolidated Community Development Plans By Transferring Funds, Amending Ordinances And Authorizing Agreements For The Residential Assistance

Program, As Amended

Int. No. 261 - Amending The 1995-96 Through 2004-05 Consolidated Community Development Plans By Transferring Funds, And Amending Ordinances, Authorizing Agreements And Appropriating Funds

Respectfully submitted,
Benjamin L. Douglas
John F. Lightfoot
Lois J. Giess
Gladys Santiago (Did not vote on Int. Nos. 237 through 268)
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-211
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of thirty-two properties. In accordance with recent code amendments, staff has audited City records to ensure that purchasers other than those of unbuildable vacant land do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first five properties are single family structures that are being sold to the Rochester Housing Development Fund Corporation for their appraised values. The structures will be rehabilitated and subsequently sold to owner-occupants with a household income not to exceed 80% of the median income for the Rochester, NY statistical area.

The next property is a structure that is being sold to the Rochester School for the Deaf for \$1.00. The structure will be demolished and the resulting vacant lot will be developed as a parking lot for the school.

The last 26 properties are unbuildable vacant lots that are being sold to the adjoining owner's for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-67

Ordinance No. 2006-211
(Int. No. 237)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcels of improved property:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 196 Depew St 120-55-3-50 | 40x127 Rochester Housing Dev. Fund Corp.* | \$7,500 |
| 87 Finch St 090.81-3-27 | 40x130 Rochester Housing Dev. Fund Corp. | 2,500 |
| 136 Parsells Ave 107.53-3-49 | 40x158 Rochester Housing Dev. Fund Corp. | 3,800 |
| 192 Penhurst St 120.79-1-67 | 42x112 Rochester Housing Dev. Fund Corp. | 11,000 |
| 74 Rand St 090.33-1-28 | 40x100 Rochester Housing Dev. Fund Corp. | 9,000 |

*Officers: Scott Schmidt, Robert Barrows, Kevin Recchia

Section 2. The Council hereby further approves the negotiated sale of the following parcel of improved property with proposal:

| | |
|------------|--------------------------------|
| Address: | 1599-1601 St. Paul St |
| S.B.L.#: | 090.68-1-11 |
| Lot Size: | 40x209 |
| Price: | \$1.00 |
| Purchaser: | Rochester School for the Deaf* |

*Officers: Steven Morse, Deborah L. Pearce, Allis D'Amanda, Michael Serve, Bernard R. Hurwitz

Section 3. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Sq.</u> <u>Feet</u> |
|---|--|---------------------------|
| NH 65 Austin St Pt of 105.57-2-7 | 15x120 Salim Abduljelil & Musliha Ahmed | 1860± |
| SH 65 Austin St Pt of 105.57-2-7 | 15x120 Terrance J. Carter, Sr. & Robin Carter | 1860± |
| 80 Avon Pl 121.82-2-61.1 | 29x58 Wells Fargo Bank | 2127± |
| 36 Barons St 106.32-3-9 | 35x141 Belkeys M. Colon | 4952± |
| NH 532 Brown St Pt of 120.35-2-22 | 16x110 Mamie Carter | 1868± |
| SH 532 Brown St Pt of 120.35-2-22 | 16x110 Lee Ron & Bonnie Johnson | 1868± |
| 1304 Clinton Av N 091.70-3-44 | 32x107 Sean Noble | 3477± |
| 199 Dr. Samuel McCree Way 120.59-1-17 | 30x113 Calvin L. Cheek | 3439± |
| 117 Evergreen St 106.38-1-23 | 43x71 Miriam Cortes | 3093± |
| 119 Evergreen St 106.38-1-24 | 43x71 Raymond J. Farah | 3093± |
| NH 835 Exchange St Pt of 121.69-3-51 | 17x95 Oscar & Constance Wilson | 1653± |
| SH 835 Exchange St Pt of 121.69-3-51 | 17x95 Bijan Massachi | 1653± |

| | | |
|---|--|-------|
| EH 1 Flora St Pt of 121.69-3-55 | 31x40 Providence South Plymouth HDFC, Inc. | 1240± |
| WH 1 Flora St Pt of 121.69-3-55 | 35x50 Louis & Deborah Holland | 1750± |
| NH 771-773 Goodman St N Pt of 106.60-2-16 | 17x89 Juliet Anderson | 1570± |
| SH 771-773 Goodman St N Pt of 106.60-2-16 | 17x102 Tien Nguyen | 1798± |
| EH 89 Heidelberg St Pt of 107.45-1-72 | 17x93 Dean & Linda Brown | 1593± |
| WH 89 Heidelberg St Pt of 107.45-1-72 | 17x93 Edwin Caraballo | 1593± |
| 857 Jefferson Av 120.84-1-49 | 40x98 DCC Properties, Inc. | 3920 |
| Pt of 17 Mineola St Pt of 135.57-2-33 | Irregular Zelma Philips | 3494± |
| 181 Randolph St 091.84-2-5 | 14x114 Anne Swasey | 1661± |
| 49 Rauber St 106.39-4-9 | 35x83 Cheryl Peterson | 2906 |
| 74 Remington St 106.31-2-1 | 33x95 Augustin & Laida Ayan | 3147± |
| 451 Remington St 091.71-1-6 | 29x70 Richard Bryant | 2060± |
| 177-177.5 Reynolds St 120.60-2-21 | 37x71 Henry Cope | 2627± |
| 25 St. Stanislaus St 091.65-3-37 | 32x151 Walter Dabrowny | 4832± |

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-212
Re: 2006-07 Budget Amendment -
Appropriation of State Community
Capital Assistance Grant for
Computer Replacements

Transmitted herewith for your approval is legislation amending the 2006-07 Cash Capital budget by \$100,000 to reflect the receipt of the State Community Capital Assistance Grant for computer replacements at the following libraries. Funds will be allocated as follows:

| | |
|-------------------------------------|-----------|
| Wheatley Branch Library | \$ 30,000 |
| Arnett Branch Library | 20,000 |
| Charlotte Branch Library | 15,000 |
| Monroe Branch Library | 15,000 |
| Lincoln Branch Library | 15,000 |
| Central Library SUNY Student Center | 5,000 |
| Total | \$100,000 |

Assemblyman David Gantt was instrumental in obtaining funds (\$50,000) for the Wheatley and Arnett Branch Libraries. State Senator Joseph Robach was instrumental in obtaining funds (\$50,000) for the Central Library SUNY Student Resource Center, and the Charlotte, Monroe and Lincoln Branch Libraries.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-212
(Int. No. 238)

Approving Library Grants And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into necessary agreements with the State of New York for receipt of New York State Community Capital Assistance Grants for computer replacements at the Arnett, Charlotte, Lincoln, Monroe and Wheatley Branch Libraries, and the Central Library SUNY Student Resource Center.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$100,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-213
Re: Appropriation of CDBG Monies

Transmitted herewith for your approval is legislation appropriating a total of \$100,000 from the Improving The Housing Stock and General Property Conditions allocation of the 2006-2007 Community Development Block Grant Program (CDBG) to support renovations at the Wheatley Branch Library to include a Youth Service Center.

The funds will be used to redesign the interior of the library, providing needed space and facilities geared toward youth.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-213
(Int. No. 239)

Appropriating Funds For Renovations To The Wheatley Branch Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program to fund renovations to the Wheatley Branch Library.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-214
Re: Release of Easement - 777 Driving
Park Avenue

Transmitted herewith for your approval is legislation authorizing the release of an easement, owned by the City, at 777 Driving Park Avenue. The current property owner, American Packaging Corporation, requested this easement release from the City's Water Bureau. The easement was originally obtained for a water line that serviced a rapid transit subway barn. The barn is no longer in existence and the water service was abandoned in 1990. The Water Bureau anticipates no future use for the easement. The total area encumbered by the easement is approximately 2,174 square feet.

The property owner will pay an amount of \$1,900 to the City for this release. This value was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-68

Ordinance No. 2006-214
(Int. No. 240)

Approving Release Of Easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the release of an easement of approximately 2,174 square feet owned by the City over the parcel at 777 Driving Park Avenue. The easement provides for a water line that is no longer in use.

Section 2. The property owner shall be obligated to pay the City the sum of \$1,900 for the release.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-215
Re: Landmark Society of Western New
York - Home Room Agreement

Transmitted herewith for your approval is legislation relating to the promotion of city living. This legislation will:

1. Appropriate \$100,000 as follows:
 - a. \$75,000 from the 2006-07 Community Development Block Grant Improving the Housing Stock and General Property Conditions objective (Home Room program allocation); and
 - b. \$25,000 from the 2006-07 City Development Fund (Home Room program allocation); and

2. Authorize an agreement with the Landmark Society of Western New York, located at 133 S. Fitzhugh Street, Rochester, NY, to administer the Home Room program.

Begun in 1998, the Home Room program works to: encourage more people to consider purchasing city homes; assist real estate agents to list and sell properties in the city; encourage neighborhood associations to develop relationships with the real estate sector; and to promote the historic qualities and unique character of city neighborhoods and homes. The program is administered by the Landmark Society with assistance from the Greater Rochester Association of Realtors. The Home Room program has been identified and promoted as a "Best Practice" by the National Trust for Historic Preservation and also by NeighborWorks America (formerly known as the Neighborhood Reinvestment Corporation).

The most recent agreement for this program was authorized by the City Council on October 11, 2005 via Ordinance No. 2005-309. From July 2005 to April 2006, the following activities and accomplishments occurred:

1. Internet traffic on the Home Room's RochesterCityLiving.com website for the first four months of the period, July to December 2005, increased 50% over the previous period in 2004. From July forward, visitors logged 266,445 visits, at an average of 620 per day, with a typical visit lasting 10 minutes. In the peak month of March, 2006 there were 34,782 visits, averaging 1,122 visitor sessions a day;
2. Internet traffic on the Home Room's MovingtoRochester.com website logged 38,121 visitors, an average of 104 visits per day. The average visit was four minutes. Occurring in the peak month of March 2006 were 4,981 visits, averaging 161 visitor sessions daily;
3. Forty (40) *Home Work* columns featuring city homes were published courtesy of the weekly *City* newspaper. The columns appearing in the March 2006 City issues highlighted homes in coordination with the "City Living Sundays" area rotation. The donated print space is valued at a total of \$40,000. In addition, the *Home Work* column is now posted on the RochesterCityLiving.com website in the section on home buying;
4. The Marketing Historic Houses Successfully real estate training program, providing fifteen hours of instruction approved by the NYS Department of State for continuing education credit, was completed by fifty (50) real estate agents. To date, 397 area realtors have completed the training;
5. Landmark Society/Home Room staff co-chaired the 13th annual City Living Sundays event and successfully applied for a grant from the Bank of America to sponsor three (3) corresponding bus tours. Upon award of the grant, operational funds originally budgeted for the bus tours were redirected and used to increase advertising and promotion of the event;
6. Countless area residents learned about the advantages of city living through new radio and television commercials, print and website advertising, brochures and e-mail alerts; and

7. The Home Room facility located at the Landmark Society served 130 people with a variety of informational displays, educational materials, and access to a multiple listing service computer.

Under the proposed agreement, the Landmark Society will:

1. Expand the virtual Home Room program via RochesterCityLiving.com and MovingtoRochester.com websites and establishment of links to other relevant websites;
2. Continue to provide the Marketing Historic Houses Successfully real estate training program for realtor continuing education credit;
3. Continue the weekly *Home Work* column for publication in City newspaper;
4. Increase radio and television advertisement;
5. Continue to support "City Living Sundays"; and
6. Continue to coordinate with City staff on projects related to promoting city home ownership.

In addition, the Home Room program will support the Landmark Society's annual downtown tour program. The downtown tour was initiated in the fall of 2004 with a sold-out program that drew residents from all over the region interested in city landmarks and downtown residential offerings.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-215
(Int. No. 241)

Authorizing An Agreement For The Home Room Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to administer the Home Room Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program and \$25,000 shall be funded from the 2006-07 City Development Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-216
Re: Joint Energy Conservation Program
Agreement - Action for a Better
Community

Transmitted herewith for your approval is legislation relating to the continuation of the Joint Energy Conservation Program. This legislation will:

1. Appropriate \$100,000 from the Improving Housing Stock and General Property Conditions allocation of the 2006-2007 Community Development Block Grant to help finance the program; and
2. Authorize any required agreement or amendatory agreement with Action for a Better Community, Inc. (ABC), 550 East Main Street, Rochester, N.Y., for continued administration of a Joint Energy Conservation Program.

Since 1978, ABC has administered an energy conservation program through grants from the NYS Division of Economic Opportunity (DEO). Each year, approximately 350 property owners whose income falls below 50% of Median Family Income (MFI) for the Rochester Metropolitan Statistical Area benefit from the state funded program. Currently under this program, grants of up to \$4,000 per unit can be provided for physical improvements that reduce energy consumption.

In 1994, the City began providing supplemental matching funds to ABC for the program for properties of residents whose incomes exceeded the maximum NYS DEO guidelines of 50% of MFI, but fell below the City's maximum of 80% MFI. Presently, the maximum supplement available from the City's share is \$3,000. Households assisted with City funds whose incomes fall below 50% of MFI will be matched by state resources up to a combined maximum of \$4,000.

The most recent agreement for such supplemental funding was authorized by the City Council on June 14, 2005 via Ordinance No. 2005-147.

To be eligible for participation for the City's supplement, an applicant has to be:

1. An owner-occupant whose household income falls below 80% of MFI, or
2. An investor-owner who:
 - a. Rents the unit(s) to tenants who meet the guidelines,
 - b. Agrees not to increase the rent rate for at least two years, and
 - c. Contributes a minimum of 25% to the cost of the improvements.

Use of the CDBG portion of the grant is limited to the following types of improvements:

1. Window replacement
2. Furnace replacement
3. Hot water tank replacement
4. Attic and wall insulation
5. Miscellaneous repairs

ABC's administration of the program includes the preparation and review of grant applications, assess-

ment of the repair needs and coordination of the work. In addition, the program includes a minimum of two energy conservation presentations per year to area residents.

As of June 29, 2006, CDBG funds totaling \$864,854 have been expended toward repairs to 919 properties, including 84 during the current program year.

Under the proposed agreement, the supplemental program will be continued for another year. The CDBG allocation will provide for approximately 45 grants plus administrative costs of \$10,000.

Respectively submitted,
Robert J. Duffy
Mayor

Attachment No. AF-69

Ordinance No. 2006-216
(Int. No. 242)

Authorizing An Agreement For Continued Administration Of The Joint Energy Conservation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for continued administration of the Joint Energy Conservation Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Consolidated Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-217
Re: Agreement - Action for a Better
Community, Inc., Get the Lead
Out Program

Transmitted herewith for your approval is legislation for the continued operation of the "Get the Lead Out" Program by Action for a Better Community. The proposed legislation will authorize an agreement with Action for a Better Community, Inc., 550 East Main Street, in an amount not to exceed \$50,000. The cost of this agreement will be funded by the appropriation from CDBG made by Ordinance 2003-35.

The Get the Lead Out Program (GLO) was initiated as a child lead poisoning prevention effort by the University of Rochester Environmental Health Sciences Center with Action for a Better Community (ABC) acting as its partner. GLO offered home visits through a referral system to families located in high-

risk neighborhoods where education and dust wipe testing was offered to at-risk households where children resided. The program also provided a work plan, cleaning supplies, and a follow-up visit to track whether assisted families had evidenced a change in behavior regarding household cleaning.

GLO was previously funded through the City's HUD Lead Hazard Control Grant Program at \$100,000 over a two-year period. The program began January 1, 2004 and concluded April 30, 2006. Over the two-year period, GLO was to produce a total of 412 home visits and/or community presentations. The GLO Program exceeded this goal by producing 380 home visits and participation in 111 community events. Those events included a banner event, "Let's Make Lead History", which took place during the Summer of 2004 with over 400 participants attending.

Resolution No. 2005-25 calls for the creation of a mechanism for owner-occupants to become familiar with the potential hazards of lead poisoning, through the establishment of a voluntary program. Action for a Better Community will provide one element of this voluntary program for owner-occupied properties within the high-risk areas to encourage the remediation of lead hazards in those properties.

It is proposed that the City fund the continuation of the GLO Program to allow operations for an additional twelve-month period. At the urging of the UR, a direct contract is proposed with ABC for the continuation of these services. The program budget is as follows:

| | |
|--------------------------------------|----------|
| Salary (Program Manager) | \$34,000 |
| Fringe benefits (25%) | 8,500 |
| Indirect cost (13%) | 5,790 |
| Risk Assessor Training Certification | 590 |
| Travel | 500 |
| Supplies | 620 |
| Total | \$50,000 |

Due to the uniqueness of GLO and ABC's experience, a request for proposal was not utilized to solicit services from other organizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-217
(Int. No. 243)

Authorizing An Agreement For The Get The Lead Out Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for the Get The Lead Out Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 of Ordinance No. 2003-35.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-218
Re: Community Development Block Grant/
Neighborhood Improvement Program

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/2005-06. The legislation will:

1. Appropriate \$20,000 from the Other Programs, Sector Funding Initiative of the 2005-2006 Annual Action Plan (CDBG); and
2. Authorize the necessary agreement with the Maplewood Neighborhood Association.

The Neighborhood Improvement Program provides grants of up to \$20,000 for sector planning committees to undertake housing and community development activities. The following sector project is being recommended:

Sector 2 Grant Writer
\$20,000

The sector has requested funding for the purpose of hiring a professional grant writer with a background in nonprofit and lower-income grant procurement. This would enable Sector 2, in conjunction with the Maplewood Neighborhood Association, to develop and sustain an ongoing self-perpetuating grant procurement process to support the ongoing activities of the Sector 2 Steering Committee and the Maplewood Neighborhood Association. The grant process will be used to support the following projects: the Dewey Avenue Renaissance Project, the Maplewood Community Playground Development, the Dewey Avenue Teen Center and the Neighborhood Marketing Plan Development. The day-to-day supervision for the grant writer will be provided by the Maplewood Neighborhood Organization. The office space and their staff will be used for support.

It is anticipated that the first year of using the grant writer should yield \$35,000 in Grant Income and for future years \$45,000. Please see budget below.

Proposed Budget

| | <u>Income</u> | <u>Expenses</u> | <u>Net Income</u> |
|--------------------------|---------------|-----------------|-----------------------|
| First year | | | |
| Grant writer | | | |
| \$ 0 | \$20,000 | | n/a |
| MNA office/staff | | | |
| 5,000 | 5,000 | | n/a |
| Anticipated grant income | | | |
| 30,000 | n/a | | |
| Total grant income | | | |
| 35,000 | \$25,000 | | \$10,000 |
| On-going | | | |
| Grant writer | | | |
| \$ 0 | \$20,000 | | n/a |
| MNA office/staff | | | |
| 5,000 | 5,000 | | n/a |
| Anticipated grant income | | | |
| 40,000 | n/a | | n/a |

| | | | |
|--------------------|----------|----------|----------|
| Total grant income | \$45,000 | \$25,000 | \$20,000 |
|--------------------|----------|----------|----------|

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-70

Ordinance No. 2006-218
(Int. No. 244)

Authorizing An Agreement For A Neighborhood Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Maplewood Neighborhood Association for funding for a grant writer under the Neighborhood Improvement Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-219
Re: Agreement - National Elevator
Inspection Services, Inc.

Transmitted herewith for your approval is legislation authorizing an agreement with National Elevator Inspection Services, Inc., of St. Louis, for the continued provision of elevator inspection and certification services. The maximum annual cost of this agreement will be \$10,000, which will be financed from the 2006-07 and future annual budgets of the Department of Community Development.

Under Chapter 50 of the City Code, any new or existing elevator in Rochester must be inspected and certified prior to its initial use and periodically thereafter. Since 1987, National has performed the required inspections and certifications for the City under periodic agreements. The most recent agreement was authorized by City Council on July 22, 2003 in Ordinance No. 2003-240, and amended on June 22, 2004 in Ordinance No. 2004-192.

The Bureau of Buildings and Zoning formed an internal task group in 2003 to perform an elevator inspection study to identify and implement strategies for process improvement. To date, the following strategies have been implemented:

- Transferred oversight of the elevator enforcement function from the Permit Office to the Plan Review and Inspection Division.

- Created an Elevator Inspector position to facilitate the reduction of open elevator violations and monitor enforcement of certification. This position also performs elevator permit application plan reviews.
- Updated information management system for faster and easier access to elevator enforcement records.
- Improved staff training.

Under the proposed agreement, National will provide the following services at the following designated rates:

1. Review and approval of permit applications, plans and specifications related to the construction and installation of new and existing conveyances (\$45.00 per hour).
2. Safety Test Witness Inspection and reinspection due to failure of test (\$68.00 per hour).
3. Periodic re-inspections of existing conveyances and reinspection due to failure of test or uncorrected violations (\$58.00 per unit).
4. Issuance of certificates, as appropriate (no charge).
5. Investigation of complaints of improper maintenance referred by DCD (no charge).
6. As necessary, decommissioning conveyances for use when ordered by the Commissioner of DCD (\$58.00 per unit).

The fees for the review of permit applications, plans and specifications will be paid by the City. The fees for initial inspection, safety test and re-inspections will be paid directly by the applicant.

The agreement will have a term of one year with provision for renewal for two (2) additional one-year periods.

At present, approximately twenty new permit applications for elevators are received each year. The total estimated cost to the City for review of these applications and other enforcement-related inspections/decommissioning is \$10,000. Revenue from elevator permit applications partially offsets this cost.

Approximately 2600 certificates are issued each year, each of which requires an inspection. Elevators are also subject to annual safety and five (5) year full load test inspections. Accordingly, total annual fees received by National, from both the City and applicants, are expected to be approximately \$400,000.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-219
(Int. No. 245)

Authorizing An Agreement For Elevator Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to en-

ter into the extension of an agreement with National Elevator Inspection Services, Inc. for the continued provision of elevator inspection services in the City of Rochester for a period of one year, with two one-year renewal options.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000 annually for such services, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 and subsequent budgets of the Department of Community Development, contingent upon approval of subsequent budgets. The agreement shall also establish the amounts to be paid for certain services by the permit applicants.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-220
Re: 2006-07 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2006-07 Budget. This legislation will:

Amend the 2006-07 Operating Budget of the Bureau of Neighborhood Empowerment Team (\$47,100) and Undistributed Expense (\$21,300) by transferring the sum of \$68,400 from the Contingency Account to fund a portion of the Certificate of Occupancy (C of O) Program.

The 2006-07 Budget assumed that NET would no longer provide C of O inspections for single-family units. After consulting with City Council, NET will continue to provide this service.

The total amount required to fund this program is \$108,400. There is expected to be a \$40,000 savings in the 2006-07 NET budget as a result of recently received bids for wipes tests. These savings will be used to offset the increased cost for the personnel required for the C of O Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-220
(Int. No. 246)

Amending The 2006-07 Budget With Respect To The Neighborhood Empowerment Team

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$47,100 from the Contingency Allocation to the Neighborhood Empowerment Team, and \$21,300 from the Contingency Allocation to Undistributed Expense to fund a portion of the Certificate of Occupancy Program.

Section 2. This ordinance shall take effect imme-

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-226 And
Ordinance No. 2006-221

Re: Consolidated Community Development
Plan/Annual Action Plan - Amendment
to Transfer Funds and Appropriations

Transmitted herewith for your approval is legislation amending the 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 Consolidated Community Development Plans/Annual Action Plans and appropriating funds. The legislation will:

1. Amend the 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 Consolidated Community Development Plans/Annual Action Plans by transferring funds in accordance with the attached chart and on file in the Office of the City Clerk.
2. Appropriate the following amounts from transferred or unencumbered funds in the various Consolidated Community Development Programs for the following projects:

The following table provides a summary of the amount for each project.

| <u>Project</u> | <u>Amount</u> |
|---|---------------|
| Thomas P. Ryan Jr. Community Center | \$2,568,700 |
| Neighborhood Right -Of- Way Improvements | 450,000 |
| Matching Grant for Architectural Services | 6,000 |
| Business Assistance Program/Thurston Road | 15,000 |
| Security Camera/Lighting Grant | 20,000 |
| Targeted Business Assistance | 50,000 |
| Industrial Loan Fund | 140,000 |
| Commercial Building Renovation Program | 75,000 |
| Industrial Building Renovation Program | 25,000 |
| Total | \$3,349,700 |

3. Amend the 2006-07 City Development Fund by transferring \$75,000 from Rental Housing Fund account to Commercial Building Renovation Program account and \$25,000 from Rental Housing Fund account to the Industrial Building Renovation Program account.
4. Authorizing the Mayor to enter into any necessary agreements to implement these programs.

Construction of a new Community Center on Webster Avenue will combine recreation and library facilities and honor the late Mayor Thomas P. Ryan, Jr.

The Neighborhood Right-of-Way Improvements Project involves improvements to road services, curbs, tree lawns and catch basins.

The remaining appropriations provide funding for Economic Development Initiatives which experienced significant reductions in Community Development

Block Grant and City Development Fund.

The Matching Grant for Architectural services provides a matching grant of up to \$2,000 for architectural services to assist with the rehabilitation of commercial buildings.

The Business Assistance Program strengthens operator's skills through technical assistance provided by consultants in the areas of advertising, store design, computer hardware and software selection, visual merchandising, business practices and accounting. This program will provide for a street manager for Thurston Road.

The Security Camera/Lighting Grant Program provides a matching grant of up to \$20,000 for the purchase of security camera systems. Funds may also be used to purchase and install exterior security lighting. Funds may also be used to purchase and install exterior security lighting.

The Targeted Business Assistance Program provides loans, grants and interest rate subsidies to assist targeted businesses that have barriers in regards to access to capital needed for growth.

The Industrial Loan Fund provides loans to industrial or manufacturing businesses for real estate, machinery/equipment or working capital purposes. An equity investment is required.

The Commercial Building Renovation Program provides matching grants for the renovation of existing facilities or buildings.

The Industrial Building Renovation Program provides matching grants for industrial businesses engaged in renovation / construction of plant facilities.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-71

Ordinance No. 2006-226
(Int. No. 261)

Amending The 1995-96 Through 2004-05 Consolidated Community Development Plans By Transferring Funds, And Amending Ordinances, Authorizing Agreements and Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 1995-96 through 2004-05 Community Development Program Plans whereby unappropriated or unencumbered balances remaining in the various accounts are hereby transferred or the amounts appropriated in ordinances are hereby reduced and transferred to new accounts in accordance with a chart submitted herewith and on file in the Office of the City Clerk.

Section 2. The following amounts, or so much thereof as may be necessary, are hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocations of the following Community Development Programs to fund the Thomas P. Ryan, Jr. Community Center:

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 1995-96 | \$ 26,316.92 |
| 1996-97 | 19,522.61 |
| 1997-98 | 18,510.15 |
| 1998-99 | 13,572.58 |
| 1999-2000 | 119,411.83 |
| 2000-01 | 185,065.91 |
| 2005-06 | 275,300.00 |
| 2006-07 | 1,911,000.00 |

Section 3. The following amounts, or so much thereof as may be necessary, are hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocations of the following Community Development Programs to fund Neighborhood Right-of-Way Improvements:

| <u>Year</u> | <u>Amount</u> |
|-------------|---------------|
| 2000-01 | \$ 13,941.27 |
| 2001-02 | 193,841.18 |
| 2002-03 | 242,217.55 |

Section 4. The sum of \$6,000, or so much thereof as may be necessary, is hereby appropriated from the Economic Development Allocation of the 2002-03 Community Development Program to fund the Matching Grant for Architectural Services Program.

Section 5. The sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated from the Economic Development Allocation of the 2002-03 Community Development Program to fund the Business Assistance Program.

Section 6. The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated from the Economic Development Allocation of the 2002-03 Community Development Program to fund the Security Camera/Lighting Grant Program.

Section 7. The sum of \$23,139.19, or so much thereof as may be necessary, is hereby appropriated from the Economic Development allocation of the 2002-03 Community Development Program, and the sum of \$26,860.81, or so much thereof as may be necessary, is hereby appropriated from the Economic Development allocation of the 2003-04 Community Development Program, to fund the Targeted Business Assistance Program.

Section 8. The sum of \$91,550.43, or so much thereof as may be necessary, is hereby appropriated from the Economic Development Allocation of the 2003-04 Community Development Program, and the sum of \$48,449.57, or so much thereof as may be necessary, is hereby appropriated from the Economic Development Allocation of the 2004-05 Community Development Program, to fund the Industrial Loan Fund.

Section 9. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement these Programs.

Section 10. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 11. The Director of Finance shall record all transfers made herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this or-

dinance.

Section 12. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-221
(Int. No. 262)

Amending The City Development Fund As Approved In Ordinance No. 2006-100 And Authorizing Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Development Fund, as approved in Ordinance No. 2006-100, is hereby amended by transferring the sum of \$75,000 from the Rental Housing Fund Account to the Commercial Building Renovation Program Account, and the sum of \$25,000 from the Rental Housing Fund Account to the Industrial Building Renovation Program Account.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement these Programs.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-222
Re: City-Wide Housing Market Analysis

Transmitted herewith for your approval is legislation related to preparation of a city-wide Housing Market Analysis. This legislation will:

1. Authorize an agreement with Interface Studio LLC of Philadelphia, PA to conduct a city-wide Housing Market Analysis at a maximum cost of \$196,900 (this amount includes \$17,900 for contingencies);
2. Amend the 2006-07 Budget by transferring \$100,000 from the Property Management Account to the Department of Community Development Budget and authorizing use of these funds to partially fund the agreement; and
3. Appropriate \$96,900 from the Undistributed Expense Allocation of the 2005-06 Budget to partially fund the agreement.

The objective of the Housing Market Analysis is to evaluate the City's current, future and potential housing market and provide recommendations to guide the development of a new Housing Policy and Plan for the City of Rochester.

The Department of Community Development, in April 2006, issued a Request for Qualifications (RFQ) which was sent to several local and national firms with experience conducting housing studies. It was also published in the *Democrat and Chronicle* and

posted on the City of Rochester, American Planning Association, and National Housing & Rehabilitation Association web sites.

Twenty proposals were reviewed by a Department of Community Development team; eight were selected for interview and presentations. Three of those were rated superior and were subsequently considered by an Advisory Committee of housing, development, and real estate professionals. The Advisory Committee, appointed by the Commissioner of Community Development, also includes City Council staff.

Interface Studio LLC is recommended by the Committee based on their experience in preparing housing studies, quality of staff, experience with housing issues, and approach and methods.

The proposed scope of work for the analysis includes:

- socio-economic trends and projections;
- housing characteristics and real estate market conditions;
- conditions of existing housing stock and obsolete housing;
- vacant buildings and land;
- housing needs;
- neighborhood perceptions, strengths, and weaknesses;
- neighborhood housing market conditions including perceptions, strengths and weaknesses;
- a survey of consumer housing preferences;
- market and government obstacles to developing housing and achieving market potential;
- financing and incentive programs to develop and maintain housing;
- identification of redevelopment strategies and market opportunities
- methodology for targeting federal and local community development resources to small neighborhood areas to produce measurable improvements; and
- recommendations for a Housing Policy and Plan.

The analysis is expected to begin in August and the Action Strategy and Plan will be completed in February, 2007.

The Advisory Committee will be expanded to include additional City departments, City Council members, the City School District, and the County of Monroe. The Committee will participate in the market analysis and the development of policies and plans resulting from the analysis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-222
(Int. No. 263)

Establishing Maximum Compensation For A Professional Services Agreement For A Housing Market Analysis And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$196,900, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Interface Studio LLC for a City-wide Housing Market Analysis. Of said amount, \$100,000 shall be funded from the 2006-07 Budget of the Department of Community Development and \$96,900 shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$100,000, which amount is hereby appropriated from the Property Management Account.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-223
Re: Development of Single-Family Houses

Transmitted herewith for your approval is legislation relating to the development of affordable single family homes through a partnership of the Ibero-American Development Corporation and the Woodridge Construction Company. This legislation will:

1. Authorize the sale of five City-owned lots, listed below, to Ibero-American Development Corporation, at their appraised value, for the purpose of constructing single-family owner-occupied houses;
2. Appropriate \$25,000 from the 2004 HOME Program, New Housing Construction allocation, to be used for eligible development and/or homebuyer assistance for the purchasers of the newly constructed houses; and
3. Authorize an agreement with Ibero-American Development Corporation to administer the above funds.

Ibero-American Development Corporation and Woodridge Construction Company are collaborating on a demonstration project to construct ten single-family homes. The first five properties are listed below. Five additional properties will be identified as the development progresses.

| <u>Address</u> | <u>Dimensions</u> | <u>Appraised Value</u> |
|-----------------------|-------------------|------------------------|
| 76 Akron Street | 55' X 247' | \$500 |
| 88 Cheltenham Road | 60' X 124' | 500 |
| 2177 East Main Street | 55' X 120' | 500 |
| 16-18 Nelson Street | 48' X 96' | 425 |
| 192 Turpin Street | 70' X 96' | 425 |

Ibero-American Development Corporation will: purchase the properties; contract with Woodbridge for construction; help buyers with purchase preparation; assist buyers with the mortgage process; and collect and verify documentation for development and buyer assistance funds. A maximum of \$5,000 per house will be available for eligible development costs and/or to assist new homebuyers with down-payment and closing costs. The houses will be priced between \$75,000 and \$85,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-223
(Int. No. 267)

Authorizing The Sale Of Real Estate And An Agreement For Housing With The Ibero-American Development Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Ibero-American Development Corporation, for their appraised value, for the construction of housing:

| <u>Address</u> | <u>SBL</u> | <u>Appraised Value</u> |
|-----------------------|--------------|------------------------|
| 76 Akron Street | 107.81-2-55 | \$500 |
| 88 Cheltenham Road | 75.28-3-43 | 500 |
| 2177 East Main Street | 107.81-2-7 | 500 |
| 16-18 Nelson Street | 121.74-2-14 | 425 |
| 192 Turpin Street | 91.66-3-27.1 | 425 |

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Ibero-American Development Corporation for eligible development and/or homebuyer assistance for purchasers of the new housing.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2004 HOME Program Funds.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-27
Re: Appointment - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of Patrick Tobin, 71 Linden St., Rochester, 14620, to the Zoning Board of

Appeals. Mr. Tobin will fill the vacancy created by the resignation of James Best in May 2006. Mr. Tobin's term will extend to June 30, 2008.

The confirmation of Mr. Tobin will bring the Board up to full membership.

A copy of Mr. Tobin's resume is on file with the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-27
(Int. No. 268)

Resolution Approving Appointment To The Zoning Board Of Appeals

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Patrick Tobin, 71 Linden Street, to the Zoning Board of Appeals for a term which shall expire on June 30, 2008. Mr. Tobin shall replace James Best, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-224
Re: City Code Amendments -
Chapters 39 and 90

Transmitted herewith for your approval is legislation amending the City Code to provide consistency regarding Certificate of Occupancy (C of O) regulations. Specifically, this legislation will amend:

1. Chapter 90 of the City Code to eliminate C of O requirements for transfer of ownership, and provide owner-occupants of two-family dwellings the ability to obtain an exemption from the C of O requirement. In addition, a C of O issued for one- and two-family dwellings will remain valid for six years.
2. Chapter 39 of the City Code, as necessary to maintain consistency with the proposed changes to Chapter 90.

These amendments are necessitated by the implementation of the new Lead-Based Paint Poisoning Prevention Code and additional inspections mandated by New York State. On January 1, 2007, all New York State municipalities will be required to perform maintenance inspections on structures having three or more dwelling units, all mixed occupancies, and all non-residential buildings every three years, instead of the current five-year cycle. These two significant alterations to the city's property inspections necessitate the proposed amendments in order for us to fulfill these statutory obligations without increasing the dedicated staff.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-224
(Int. No. 221, As Amended)

Amending The Municipal Code With Respect To Certificates Of Occupancy

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-201 of the Municipal Code, Definitions, as amended, is hereby further amended by repealing the definition of ROOMING HOUSE.

Section 2. Section 39-213 of the Municipal Code, When a certificate of occupancy is required, as amended, is hereby further amended by amending Subsection B thereof to read in its entirety as follows:

- B. As provided in Chapter 90, the Property Conservation Code, the Commissioner may issue a certificate of occupancy certifying the lawful existence and use of any existing structure or use subject to the same standards and limitations as authorized by this section for new and altered structures and uses.

[Section 3. Section 39-222 of the Municipal Code, Fees for certificates of occupancy, as amended, is hereby further amended by repealing Subsection C(3) and Subsection G thereof.]

[Section 4. Section 90-11 of the Municipal Code, Weatherization, is hereby amended by repealing Subsection B thereof and by relettering Subsection C as Subsection B.]

Section [5]3. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended to read in its entirety as follows:

§ 90-16. Certificates of occupancy.

A. When required.

- (1) All structures with two or more dwelling units and any mixed use structures containing one or more dwelling units.
- (2) In addition to the requirements of §39-213 of the City Code, a certificate of occupancy or a conditional certificate of occupancy must be obtained within ninety (90) days prior to the occurrence of any of the following:
 - (a) The transfer of title to a new owner of any two-family dwelling unless a Certificate of Occupancy has been issued within two years of the transfer date.
 - ([a]b) The reoccupancy of a dwelling which has been entirely vacant for more than two (2) months, unless a Certificate of Occupancy has been issued within a year of the reoccupancy.
 - ([b]c) A change of occupancy or use that would bring a dwelling under a different or additional classification of the chapter, the Building Code, Zoning Code, Fire Prevention Code or other provisions of the City Code.

([c]d) The expiration or termination of a valid certificate of occupancy for a subject dwelling.

([d]e) A change of occupancy whereby a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building is no longer occupied by the owner, or a spouse, child, sibling or parent of the owner. For one-family dwellings or single-family dwelling units in a mixed-occupancy building that are not occupied by an owner or a family member as required herein on January 1, 1998, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 40 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.

- (3) Subsequent to the occurrence of any event enumerated in Subsection A(2) herein, unless the Director or Commissioner has issued a certificate of occupancy or a conditional certificate of occupancy, the Director or Commissioner may order occupants of the dwelling to vacate the dwelling.

B. When waived.

- (1) The Director or Commissioner shall waive the requirement for a certificate of occupancy when title is transferred:
 - (a) By an executor or administrator in the administration or settlement of an estate.
 - (b) In lieu of foreclosure.
 - (c) By a court-appointed referee.
 - (d) By a trustee in bankruptcy.
 - (e) To or by an assignee for benefit of creditors.
 - (f) By the Monroe County Sheriff pursuant to a judicial sale.
 - (g) To a municipality as a result of tax foreclosure.
 - (h) Between husband and wife.
 - (i) To a person who had immediate, previous legal ownership in whole or in part.
 - (j) Pursuant to the formation, reorganization or dissolution of a partnership or corporation.
 - (k) By a corporation to its shareholders.
 - (l) To the United States Department of Housing and Urban Develop-

ment or to the Administrator of Urban Affairs.

(m) By a person who retains life use of and/or interest in the property.

((1)2) Upon submission by the owner of credible evidence that a two-family dwelling is occupied in whole or in part by the owner or the owner's spouse, child, sibling or parent, the Director or Commissioner shall waive the requirement of a certificate of occupancy for a period of one year. The owner shall be entitled to renew the annual waiver upon submission of credible evidence that the property continues to be occupied in whole or in part by the owner or the owner's spouse, child, sibling or parent.

((2)3) The Director or Commissioner shall issue or deny the waiver within five business days of receipt of a written request.

((3)4) The owner of a one-family dwelling or a single-family dwelling unit in a mixed-occupancy building who does not occupy the dwelling and whose dwelling is not occupied by a family member as required in Subsection A(2)(d) above may apply to the Director or Commissioner for a waiver of the requirement for a certificate of occupancy. Such waiver shall extend for a period of one year. The application for a waiver must include written documentation that the owner has attempted to market the property without success. An owner of two or more one-family dwellings or single-family dwelling units in a mixed-occupancy building that are not occupied by an owner or a family member as required in Subsection A(2)(d) above shall not be eligible for such a waiver. The Director or Commissioner shall issue or deny the waiver within five business days of the request. The Director or Commissioner is authorized to establish rules and regulations relating to the time within which a waiver application shall be filed, the type of proof that will be accepted with respect to unsuccessful attempts to market the property, the time period within which such marketing efforts shall have been made, and such further regulations as the Director or Commissioner shall deem necessary in order to assume that such waivers are not granted to dwellings which have a blighting influence upon the neighborhood. The Director or Commissioner shall also establish regulations providing for the revocation of such waivers if conditions leading to the granting of the waiver have changed, if false information was submitted with respect to an application, or if the dwelling has a blighting influence upon the neighborhood.

C. Contents of a certificate of occupancy. All certificates of occupancy shall state that the sub-

ject dwelling substantially conforms to the provisions of this chapter, the Building Code, the Zoning Code, the New York State Multiple Residence Law (if applicable) and other provisions of the City Code.

D. Conditional certificate of occupancy. The Director or Commissioner, in his or her discretion, may issue a conditional certificate of occupancy prior to the occurrence of any of the events enumerated in Subsection A herein when occupancy or use of the building will not jeopardize life or property, and:

- (1) The subject dwelling is near substantial compliance with this section and all other applicable laws, ordinances and rules;
- (2) The work required to bring the dwelling into full compliance is not essential to making the building habitable;
- (3) The dwelling complies with the Zoning Code as evidenced by the endorsement of the head of the bureau or division responsible for administering the Zoning Code; and
- (4) The owner of record, or contract vendee, or lessee has agreed with the Director or Commissioner on a schedule of rehabilitation or demolition.

E. Contents of conditional certificate of occupancy. A conditional certificate of occupancy shall state that the subject dwelling complies with the requirements of Subsection D herein and shall specify the purposes for which the building may be used in its several parts. It shall also specify the date by which the owner of record must obtain the certificate of occupancy specified in Subsection C herein and warn that failure to obtain the certificate of occupancy by the date shall be sufficient cause for revoking the conditional certificate of occupancy without further notice to the owners and other interested parties. Time limitations set forth in conditional certificates of occupancy shall constitute amendments to time limitations imposed by prior notices and orders by the Department.

F. Issuance and filing.

- (1) A certificate of occupancy shall be issued by the Department within ten (10) days after an inspection by the Department reveals that a subject dwelling is in substantial compliance with applicable laws, ordinances or rules.
- (2) A record of all certificates of occupancy, and conditional certificates of occupancy and their status, shall be kept in the office of the Director or Commissioner, and copies shall be furnished, upon request, to the public.

G. Validity of certificate of occupancy.

- (1) Expiration.
 - (a) A certificate of occupancy for either a single family dwelling

not occupied by the owner or a two family dwelling issued on or after July 1, 2006, shall remain valid for a period of six (6) years from the date of its issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b) herein, or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

- (b) A certificate of occupancy for a building containing three or more dwelling units or a mixed-occupancy building containing at least one dwelling unit issued on or after July 1, 2006, shall be valid for a period of three (3) years unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b) herein, or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

- (2) **Renewal.** The owner of record shall obtain a new certificate of occupancy within ninety (90) days prior to or following the expiration or termination of the valid certificate of occupancy pursuant to Subsection G(1) herein. If the new certificate of occupancy is not so obtained, the Director or Commissioner, within thirty (30) days of the expiration or termination of the valid certificate of occupancy, may cause an inspection to be made of the subject dwelling.

H. Inspections

- (1) Notwithstanding the existence of the valid certificate of occupancy, the Director or Commissioner, Fire Chief or head of the bureau or division responsible for administering the Zoning Code may cause the subject building to be inspected as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which they enforce.
- (2) Whenever violations of the Property Conservation Code, Building Code, Fire Prevention Code, Zoning Code or any applicable law, ordinance or rule are discovered and those violations affect the structure's substantial compliance with the applicable law, ordinance or rule, the existing certificate of occupancy may, at the discretion of the Director or Commissioner, be declared null and void. If such declaration is made, the Director or Commissioner may order occupants of the building to vacate the building through notification to the owner(s) and the occupants

of the property, in writing, in the same manner as the service of a notice and order, as set forth in § 52-6 of the Municipal Code unless an emergency exists.

- I. **Liability for damages.** This code shall not be construed to hold the City of Rochester responsible for any damages to persons or property by reason of inspections made pursuant to an application for a certificate of occupancy or issuance of or the failure to issue a certificate of occupancy.

Section [6]4. Section 90-53 of the Municipal Code, Presumptions and obligations, is hereby amended by amending Subsections A and D to read in their entirety as follows:

- A. For purposes of this article, all paint on the interior or exterior of any residential building on which the original construction was completed prior to January 1, 1978 shall be presumed to be lead-based.
- D. Residential buildings shall be maintained free of lead-based paint hazards.

Section [7]5. Section 90-54 of the Municipal Code, Violations, as amended, is hereby further amended by amending Subsections A and B to read in their entirety as follows:

- A. **Deteriorated paint violation.**

The interior and exterior of any residential building on which the original construction was completed prior to January 1, 1978, and the exterior of any non-residential structure on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint, unless the deteriorated paint surfaces total no more than:

- (1) 20 square feet on exterior surfaces;
- (2) 2 square feet in any one interior room or space; or
- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

- B. **Bare soil violation.**

Bare soil shall not be present within the dripline of any residential building on which the original construction was completed prior to January 1, 1978.

Section [8]6. Section 90-62 of the Municipal Code, Exemptions, is hereby amended by amending Subsection B to read in its entirety as follows:

- B. The requirements of Sections 90-54 through 90-57 which are applicable to residential buildings shall not include single-family owner-occupied dwellings.

Section [9]7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-225
Re: Residential Assistance Program

Transmitted herewith for your approval is legislation relating to continuation of the Residential Assistance Program. This legislation will:

1. Appropriate or reappropriate a total of \$1,230,000 from the following program funds for use in the Residential Assistance Program (RAP):
 - a. \$595,000 from the Improving Housing Stock and Property Conditions allocation (RAP account) of the 2006-07 Consolidated Community Development Plan to help finance the program (unappropriated);
 - b. \$136,533 from the Emergency Assistance for City Homeowners (EACH) program account in the 2004-05 Consolidated Plan (Ordinance No. 2004-187);
 - c. \$200,000 from the Homestead/Vacant Grant Program account in the 2004-05 Consolidated Plan (unappropriated);
 - d. \$250,000 from the Emergency Assistance for City Homeowners (EACH) Program account in the 2005-06 Consolidated Plan (unappropriated);
 - e. \$48,467 from the Rehab Rochester Program in the 2005-06 Consolidated Plan (Ordinance No. 2005-254); and
2. Amend the 2004-05 and 2005-06 Consolidated Plans to decrease the EACH, Rehab Rochester, and Homestead/Vacant Grant Program accounts as shown in B. - E. above, totaling \$635,000, and increasing the RAP Program accounts by the same amounts; and
3. Authorize any necessary agreements with ten (10) neighborhood organizations to administer the program.

RAP provides low-income homeowner-occupants with minor home repair grants of up to \$3,500 for emergency repairs or to purchase materials for exterior repairs and/or home security. Additional supplements of up to \$1,000 are allowable when repairs involve lead-based paint removal. Up to an additional \$3,500 is allowable when damaging roof leaks require a complete tear-off. Residents may not receive more than one grant in any four-year period.

Since its inception in 1975, the program has been administered by neighborhood organizations. The most recent agreement was authorized by City Council on June 14, 2005 via Ordinance No. 2005-146.

Total RAP appropriation and encumbrance during Fiscal Year 2005-06 was \$1,360,000. A summary of program activity and 2005-06 allocations and expenditures to date is attached as Exhibit #1.

The proposed legislation will provide necessary funding to continue RAP in the period of July 1, 2006 through June 30, 2007. The 2006-07 allocation will be supplemented by unspent funds from the discontinued Emergency Assistance for City Homeowners (EACH) program in the amount of \$136,533 from the 2004-05 program year and \$250,000 from the 2005-06 program year; \$200,000 from unused funds allocated to the 2004-05 Homestead/Vacant grant program and \$48,467 from unused funds allocated to the 2005-06 Rehab Rochester grant program. Listed below are recommended allocations for the 2006-07 Residential Assistance Program.

| <u>Administering Agency</u> <u>Neighborhoods</u> | <u>Amount</u> |
|--|---------------|
| Charles Settlement House Charlotte, Maplewood | \$ 125,000 |
| Coalition of North East Associations Upper Falls | 100,000 |
| Group 14621 Community Assn. 14621 Neighborhood | 80,000 |
| Marketview Heights Assn. South Marketview Heights | 110,000 |
| Montgomery Neighborhood Center Bullshead, Cornhill, Mayor's Heights, 19th Ward, Plymouth- Exchange, Southeast Dutchtown | 170,000 |
| North East Area Development Beechwood, Browncroft, Culver-Winton, Homestead Heights, Northland-Lyceum | 175,000 |
| Northwest Community Services Brown Square, Edgerton, Lyell-Otis, North Dutchtown, Southwest Dutchtown, Susan B. Anthony | 205,000 |
| South East Area Coalition Atlantic-University, Cobbs Hill, East Avenue, Ellwanger-Barry, Highland, Park Avenue, Pearl-Meigs-Monroe, Strong, Swillburg, Upper Monroe | 130,000 |
| Southwest Area Neighborhood Association Genesee-Jefferson | 50,000 |
| South Wedge Planning Committee South Wedge | <u>85,000</u> |
| | \$1,230,000 |

A public hearing is required for the amendment of the Consolidated Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-72

Ordinance No. 2006-225
(Int. No. 247, As Amended)

Amending The 2004-05 And 2005-06 Consolidated Community Development Plans By Transferring Funds, Amending Ordinances And Authorizing Agreements For The Residential Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$136,533 shall be transferred from the Emergency Assistance for City Homeowners (EACH) Program Account and the sum of \$200,000 from the Homestead/Vacant Grant Program Account to the Residential Assistance Program Account.

Section 2. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$250,000 shall be transferred from the Emergency Assistance for City Homeowners (EACH) Program Account and the sum of \$48,467 from the Rehab Rochester Program Account to the Residential Assistance Program Account.

Section 3. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are allocated for the administration of the Residential Assistance Program for periods not to exceed eighteen months:

| Administering Agency Neighborhoods | <u>Amount</u> |
|--|--------------------------|
| Charles Settlement House Charlotte Maplewood | \$ 125,000 |
| Coalition of North East Associations Upper Falls | 100,000 |
| Group 14621 Community Association 14621 Neighborhood | 80,000 |
| Marketview Heights Association South Marketview Heights | 110,000 |
| Montgomery Neighborhood Center | [170,000] <u>220,000</u> |
| Bullshead Cornhill Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown <u>Genesee-Jefferson</u> | |
| North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland Lyceum | 175,000 |
| Northwest Community Services Brown Square Edgerton Lyell-Otis | 205,000 |

North Dutchtown
Southwest Dutchtown
Susan B. Anthony

| | |
|--|---------------|
| South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe | 130,000 |
| [Southwest Area Neighborhood Association Genesee-Jefferson | 50,000] |
| South Wedge Planning Committee South Wedge | <u>85,000</u> |
| Total | \$1,230,000 |

Section 4. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$1,230,000, and of said amount, or so much thereof as may be necessary, \$595,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program, \$298,467 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program, and \$336,533 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program.

Section 5. Ordinance No. 2005-254, relating to agreements for the Rehab Rochester Program, is hereby amended by reducing the amount appropriated therein from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program by the sum of \$48,467, which amount is reappropriated in Section 4.

Section 6. Ordinance No. 2004-187, relating to the Emergency Assistance for City Homeowners (EACH) Program, is hereby amended by reducing the amount appropriated therein by the sum of \$136,533, which amount is reappropriated in Section 4.

Section 7. The Mayor is hereby authorized to enter into such amendatory agreements as may be necessary to implement the reductions authorized herein.

Section 8. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Stevenson
July 18, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 248 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The Former Delco Site At 354 Whitney Street And 415 Orchard Street In The City

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 249 - Amending The 2003-04 Consolidated Community Development Plan By Transferring Funds For The Glendale Park Group Curb Replacement Project And Amending Ordinance No. 2004-108

Int. No. 250 - Approving A Decrease In The Pavement Width Of Trinidad Street Between Hebard Street And North Union Street

Int. No. 251 - Approving Changes In The Pavement Width Of Glide Street Between Emerson Street And Lyell Avenue

Respectfully submitted,

Robert J. Stevenson

John F. Lightfoot

William F. Pritchard

Gladys Santiago

PARKS, PUBLIC WORKS & THE ENVIRONMENTAL COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-227

Re: Bond Authorization - Demolition and Remediation of Properties at 354 Whitney Street and 415 Orchard Street

Transmitted herewith for your approval is legislation relating to the demolition and environmental remediation of the former Delco site located at 354 Whitney Street and 415 Orchard Street (Orchard-Whitney). This legislation will authorize the issuance of bonds totaling \$850,000 and appropriate the proceeds thereof to finance asbestos abatement, building demolition, and remedial activities for the Orchard-Whitney site.

The Orchard-Whitney Site consists of two parcels, totaling approximately 4.0 acres. The property contains the partially demolished 354 Whitney building, which is in a dilapidated condition. The site is located in the center of a commercial/ industrial area on the south side of Lyell Avenue (Figure 1). The properties were used for various commercial and industrial uses since the early 1900's including tool and die shops, plastics manufacturing, printing operations, metal finishers, electric company and warehousing. The parcel has been vacant since the mid-1990's, and in July 2003, a major fire destroyed portions of buildings on the 354 Whitney Street parcel. The Department of Community Development performed emergency demolition of the damaged portions of the structures to stabilize the site and has fenced off the property.

The proposed bond authorization will finance the re-

moval of asbestos and completion of demolition of the remaining structures on the 354 Whitney Street parcel currently estimated to cost \$720,000 with the balance, \$120,000, to finance other interim environmental remedial actions identified during the investigation and testing of the Orchard-Whitney site. Asbestos abatement and demolition is expected to begin in October 2006 after contract bid and award is completed.

The City has received a \$169,876 grant through the New York State Department of Environmental Conservation's 1996 Bond Act Title 5 Environmental Restoration Program (ERP) for reimbursement for up to 90% of eligible site investigation costs. In May 2006, City Council authorized a professional services agreement with Lu Engineers for the completion of a detailed site investigation (Ordinance No. 2006-107). The state assistance grant contract will be amended to include the 354 Whitney Street asbestos abatement and demolition as an interim remedial measure. This amendment will allow the City to be reimbursed for 50% of the abatement and demolition costs.

Respectfully submitted,

Robert J. Duffy

Mayor

Attachment No. AF-73

Ordinance No. 2006-227
(Int. No. 248)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At The Former Delco Site At 354 Whitney Street And 415 Orchard Street In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances, including demolition and other site improvements, at the former Delco Site at 354 Whitney Street and 415 Orchard Street in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$850,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed

with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$850,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the

City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-228
Re: Glendale Park Group Curb
Replacement Project

Transmitted herewith for your approval is legislation relating to the Glendale Park Group Curb Replacement Project. The legislation will:

1. Amend the Consolidated Community Development Plan/2003-04 Annual Action Plan by transferring within the Improving the Housing Stock and General Property Conditions allocation \$144,000 from the Brown Street Gateway Improvements Project to the Glendale Park Group Curb Replacement project;
2. Amend Ordinance No. 2004-108 by reducing the amount appropriated in Section 6 from \$264,900 to \$120,900, a reduction of \$144,000; and
3. Appropriate \$144,000 from the Improving the Housing Stock and General Property Conditions allocation of the Consolidated Community Development Plan/2003-04 Annual Action Plan for the Glendale Park Group Curb Replacement Project.

The project provides for various improvements on six (6) streets as follows:

- Glendale Park (Dewey Avenue-Fulton Avenue)
- Glenwood Avenue (Dewey Avenue - Tacoma Street)
- Maryland Street (Ravine Avenue - Glenwood Avenue)
- Malvern Street (Ravine Avenue - South End)
- Ravine Avenue (Aldern Place - Lake Avenue)
- Tacoma Street (Glendale Park - Glenwood Avenue)

The scope of the work includes installation of new granite curbs with under-drain pipe, new driveway aprons, spot sidewalk replacements, adjustment of existing catch basins, and restoration of all areas disturbed by the construction activities.

The cost of the project is \$618,300, including contingency and will be financed from an appropriation authorized by City Council on February 14, 2006, (\$437,000), from the appropriation requested herein (\$144,000) and the balance from Bond Ordinance 2005-59, authorized by Council on March 15, 2005, for the Street Improvement Program. The amendment will not increase the amount to be expended on the project. The purpose of the amendment is to facilitate administration of the Community Development Block Grant Program.

A public hearing is required.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AF-74

Ordinance No. 2006-228
(Int. No. 249)

Amending The 2003-04 Consolidated Community Development Plan By Transferring Funds For The Glendale Park Group Curb Replacement Project And Amending Ordinance No. 2004-108

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$144,000 shall be transferred from the Brown Street Gateway Improvements Project Account to a new account for the Glendale Park Group Curb Replacement Project.

Section 2. Ordinance No. 2004-108 is hereby amended by reducing the amount appropriated in Section 6 for the Brown Street Gateway Improvements Project by the sum of \$144,000.

Section 3. The sum of \$144,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Program to fund the Glendale Park Group Curb Replacement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-229
Re: Trinidad Street (Hebard Street to North Union Street) and Hebard Street (Trinidad Street to Wangman Street) Public Improvement Project

Transmitted herewith for your approval is legislation which will authorize a two (2) foot decrease in the pavement width of Trinidad Street, from 28 feet to 26 feet, a distance of 400 feet between Hebard Street and North Union Street. The proposed pavement width changes will be accomplished within the existing right-of-way.

Besides the pavement width changes on Trinidad Street, the project includes rehabilitation/reconstruction of the pavement, pavement markings, granite curbs, new concrete sidewalks and catch basins, street lighting upgrades, topsoil and seed.

The project is being designed by the City of Rochester's Bureau of Architecture and Engineering Services of the Department of Environmental Services. It's anticipated that the design will be completed in summer 2006 and that construction will be completed by the fall of 2006.

A public meeting was held on June 5, 2006. A copy of the minutes is attached. The change is anticipated to be endorsed at the June 20, 2006, Traffic Control

Board meeting.

A public hearing on the pavement width change is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-75

Ordinance No. 2006-229
(Int. No. 250)

Approving A Decrease In The Pavement Width Of Trinidad Street Between Hebard Street And North Union Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a decrease of 2 feet, from 28 feet to 26 feet, in the pavement width of Trinidad Street between Hebard Street and North Union Street.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-230
Re: Glide Street Public Improvement Project (Lyell Avenue - Emerson Street)

Transmitted herewith for your approval is legislation related to the Glide Street (Lyell Avenue to Emerson Street) Improvement Project. This legislation will authorize geometric changes on Glide Street as follows:

1. A tapered narrowing, beginning at Emerson Street where the proposed width matches the existing 32-foot width, and tapering to a three-foot narrowing, from the existing width of 32 feet to the proposed width of 29 feet, at 58 feet south of Emerson Street; and
2. An increase of six feet along the west side of Glide Street, from 32 feet to 38 feet, from 58 feet south of Emerson Street to 598 feet south of Emerson Street; and
3. A decrease of two feet, from 32 feet to 30 feet, from 598 feet south of Emerson Street to Lyell Avenue.

Design of the Glide Street Improvement Project by Passero Associates was authorized by Council on January 17, 2006, by Ordinance No. 2006-5.

The project features include rehabilitation and reconstruction of the roadway, a new water main from Otis Street to Emerson Street, the installation of new granite curbs, concrete sidewalks, drainage basins, pavement markings, and tree plantings.

Adjacent to the proposed geometric changes is the City's Paul Bianchi Park, which hosts youth baseball and football games. During these events there isn't enough on-street parking available, so people often ignore the alternate side parking regulations on Glide Street and park on both sides of the street. These proposed geometric changes will allow for two-sided legal parking.

The two-foot narrowing from the southern limit of the park to Lyell Avenue will continue to allow for alternate side parking on the street while helping the existing trees to thrive in the tree lawn area.

The geometric changes will be presented to the Traffic Control Board on June 20, 2006. A public hearing on these changes is required.

Design of the project is scheduled to be completed in the fall of 2006. Construction is expected to begin in the spring of 2007, and be completed in the fall of 2007.

A public informational meeting was conducted on June 6, 2006. A copy of the minutes of this meeting is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-76

Ordinance No. 2006-230
(Int. No. 251)

**Approving Changes In The Pavement Width Of
Glide Street Between Emerson Street And Lyell
Avenue**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Glide Street:

1. A tapered narrowing, beginning at Emerson Street where the proposed width matches the existing 32 feet width, and tapering to a three foot narrowing, from the existing width of 32 feet to the proposed width of 29 feet, at 58 feet south of Emerson Street, and;
2. An increase of six feet along the west side of Glide Street, from 32 feet to 38 feet, from 58 feet south of Emerson Street to 598 feet south of Emerson Street, and;
3. A decrease of two feet, from 32 feet to 30 feet, from 598 feet south of Emerson Street to Lyell Avenue.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
July 18, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 252 - Cancellation Of Taxes And Charges

Int. No. 253 - Authorizing Agreements For Human Services Programs, As Amended

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 254 - Authorizing An Agreement For The Rochester Area Task Force On AIDS

Int. No. 269 - Authorizing Agreements For The 2006 Summer Of Opportunity Program And Amending The 2006-07 Budget

Respectfully submitted,
Benjamin L. Douglas
Dana K. Miller
Lois J. Giess
Gladys Santiago (Did not vote on Int. No. 252)
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-231
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$90,285.52.

An amount of \$87,400.63, or 96.80% of the total, relates to thirteen properties that were taken by Monroe County in a tax foreclosure sale on October 27, 2005. The properties have since been transferred to the City of Rochester.

The sum of \$2,884.89, or 3.20% of the total, applies to one property that was forfeited to the United States of America on June 28, 2004. It became exempt from general taxation at that time.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$90,285.52.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|--------------------|
| City Council | 14 | \$90,285.52 |
| Administrative | 0 | 0 |
| Total | 14 | <u>\$90,285.52</u> |

These cancellations represent .040% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-231
(Int. No. 252)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) The property was forfeited to the United States of America on June 28, 2004 and it became exempt from general taxation upon transfer.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|----------------|--------------|----------------|-----------------|-------------------------|
| 106.42-2-28.1 | H 36 | Casper St | 2005 | \$ 1,432.32 |
| | | | 2006 | 1,452.57 |
| Subtotal | | | | \$ 2,884.89 |

- (b) Cancellation of taxes on 13 properties transferred to the City from the County's tax foreclosure sale held on October 27, 2005.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|----------------|--------------|------------------|-----------------|-------------------------|
| 106.34-3-6 | H | 97 Hollister St | 2001 | \$ 735.00 |
| | | | 2002 | 1,144.20 |
| | | | 2003 | 1,342.37 |
| | | | 2004 | 1,350.41 |
| | | | 2005 | 2,383.99 |
| | | | 2006 | 3,194.81 |
| 091.79-3-88 | H | 47 Eiffel Pl | 2003 | .03 |
| | | | 2004 | 752.14 |
| | | | 2005 | 656.00 |
| | | | 2006 | 669.21 |
| 105.50-2-13 | H | 267 Parkway | 2003 | 115.71 |
| | | | 2004 | 743.55 |
| | | | 2005 | 1,889.74 |
| | | | 2006 | 3,847.23 |
| 091.71-1-32 | H | 389 Remington St | 2004 | 301.76 |
| | | | 2005 | 1,792.67 |
| | | | 2006 | 812.68 |
| 091.80-3-32 | H | 764 Avenue D | 2004 | 975.39 |
| | | | 2005 | 1,130.27 |
| | | | 2006 | 545.02 |
| 105.81-3-10 | H | 813 Jay St | 2004 | 515.05 |
| | | | 2005 | 1,189.18 |
| | | | 2006 | 2,884.09 |
| 105.83-1-20.1 | H | 464 Jay St | 2004 | 1,327.95 |
| | | | 2005 | 1,049.68 |
| | | | 2006 | 22,644.56 |
| 106.23-3-46 | H | 35 Loomis St | 2004 | 198.06 |
| | | | 2005 | 537.48 |
| | | | 2006 | 1,073.73 |
| 106.31-4-38 | H | 62 Sullivan St | 2004 | 680.91 |
| | | | 2005 | 1,021.47 |
| | | | 2006 | 2,496.73 |
| 106.59-1-20 | H | 31 Second St | 2004 | 671.12 |
| | | | 2005 | 2,727.98 |
| | | | 2006 | 3,756.92 |
| 106.66-2-4 | H | 113 Lewis St | 2004 | 626.99 |
| | | | 2005 | 1,372.02 |
| | | | 2006 | 1,535.90 |
| 107.45-2-41 | H | 86 Copeland St | 2005 | 1,917.90 |
| | | | 2006 | 1,575.48 |

| | | | | |
|-------------|---|--------------|------|-------------|
| 120.27-2-53 | H | 312 Maple St | 2004 | 121.36 |
| | | | 2005 | 2,353.75 |
| | | | 2006 | 10,740.14 |
| Subtotal | | | | \$87,400.63 |
| Grand Total | | | | \$90,285.52 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-232
Re: Agreements and Appropriations -
Human Services Projects

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

| | |
|---|----------|
| Boys' & Girls' Club of Rochester | \$10,000 |
| Sisters Together Achieving Results (STAR) | |

| | |
|--------------------|--------|
| Young Audiences | |
| Leader's Institute | 20,000 |

| | |
|------------------------------------|--------|
| The Academy for Career Development | 49,000 |
| KidTech Program | |

| | |
|------------------------|--------|
| Grace Urban Ministries | 13,610 |
| Mary Magdalene House | |

| | |
|------------------------------------|--------|
| Friends Helping Friends | 10,000 |
| Bikes for Youth Mentorship Program | |

The STAR and KidTech Projects are considered projects with matching funds and are eligible for up to five years of funding. The Leader's Institute is considered a project without matching funds, and is eligible for three years of funding under the Human Services funding guidelines approved by City Council in June 1981. The Mary Magdalene House project has requested one year of funding, as it continues to research other funding streams. The STAR Program and Leadership Institute are in their first year of funding, and KidTech will enter it's fourth year of CDBG funding.

The Bikes for Youth Mentoring Program has requested one-time Emergency/Transitional support, in anticipation of receipt of promised funding from New York State.

The STAR Program will provide young females in grades 11 and 12 with mentoring, employment and self-development workshops, tutoring and community service projects.

The Leader's Institute is a youth development program providing leadership skills for students in grades 4 - 6, at School #44.

The KidTech Program provides access to and knowledge of practical applications in personal computer

use and internet technology to youth in low-income families.

The cost of the STAR Program, the Leader's Institute and the KidTech agreements will be financed from the General Community Needs allocation of the 2006-2007 Community Development Block Grant, and the Mary Magdalene House Project agreement will be financed from the Job Creation/Youth Development allocation of the 2004-2005 Community Development Block Grant. The agreement for the Bike Mentoring Program will be financed from the Emergency/Transitional allocation of the 2006-2007 Community Development Block Grant. Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AF-77

Ordinance No. 2006-232
(Int. No. 253, As Amended)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

| Organization Project | Amount |
|--|----------|
| Boys' & Girls' Club of Rochester Sisters Together Achieving Results (STAR) | \$10,000 |
| Young Audiences Leader's Institute | 20,000 |
| The Academy for Career Development KidTech Program | 49,000 |
| Grace Urban Ministries Mary Magdalene House | 13,610 |
| [Friends Helping Friends Bikes for Youth Mentorship Program | 10,000] |

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$[102,610] 92,610, and of said amount, or so much thereof as may be necessary, \$79,000 is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program, and \$13,610 is hereby appropriated from the Job Creation/Youth Development allocation of the 2004-05 Community Development Program [and \$10,000 is hereby appropriated from the Emergency/Transitional Allocation of the 2006-07 Community Development Program].

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 254
Re: Agreement - Finger Lakes Health
Systems Agency

Transmitted herewith for your approval is legislation authorizing an agreement with the Finger Lakes Health Systems Agency to support the Rochester Area Task Force on AIDS (RATFA). The cost of this agreement shall not exceed \$20,000. RATFA is considered a project with matching funds and is eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981.

RATFA, an office within the Finger Lakes Health Systems Agency, provides planning and support to HIV/AIDS service providers, in its goal to reduce the spread of new HIV/AIDS infections. RATFA will provide extensive planning and collaboration to assure accessibility to a comprehensive array of high-quality health and support services and activities, in neighborhoods with elevated rates of HIV infection. These activities will include: health fairs; street outreach; health testing, and peer counseling.

The cost of the agreement will be financed from the General Community Needs allocation of the 2006-2007 Community Development Block Grant. A Project Information sheet is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Douglas moved to amend Introductory No. 254.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Councilmember Douglas moved to return Introductory No. 254 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Introductory No. 254, As Amended

AMENDING THE 2006-07 CONSOLIDATED

COMMUNITY DEVELOPMENT PLAN BY TRANSFERRING FUNDS AND AUTHORIZING AN AGREEMENT FOR THE ROCHESTER AREA TASK FORCE ON AIDS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2006-07 Community Development Program Plan whereby within the General Community Needs Allocation, the sum of \$20,000 shall be transferred from the Job Creation/Youth Development Account to a new account for the Rochester Area Task Force on AIDS.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Finger Lakes Health Systems Agency to support the Rochester Area Task Force on AIDS (RAFTA).

Section [2] 3. The agreement shall obligate the City to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section [3] 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [4] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-233
Re: Summer of Opportunity

Transmitted herewith for your approval is legislation related to additional funding for the Summer of Opportunity program. This legislation will:

1. Authorize an agreement with NY State for the receipt and use of a \$300,000 grant made available to the City for youth employment through the efforts of Senator Joseph Robach;
2. Amend the 2006-07 Budget of the Department of Recreation and Youth Services to reflect the grant;
3. Amend Ord. No. 2006-175 to increase the agreement with the Rochester City School District by \$142,300 to provide payroll services for Summer of Opportunity, bringing the total of this agreement to \$283,024. The cost of this amendatory agreement will be funded from the 2006-07 Budget of DRYS.

Ord. No. 2006-175 approved the initial phase of the Summer of Opportunity program and included an agreement with the School District for \$140,724 to administer the payroll for youth employees.

These additional funds will enable the City to employ an additional eighty youth in summer jobs at various worksites throughout the city. The School

District will provide the administrative services necessary to process payroll for a total of 153 youth summer employees.

The remaining grant funds will be used for youth employment throughout the year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-78

Ordinance No. 2006-233
(Int. No. 269, As Amended)

Authorizing Agreements For The 2006 Summer Of Opportunity Program [And Amending The 2006-07 Budget]

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the State of New York for receipt of funding for the 2006 Summer of Opportunity Program.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with the Rochester City School District for the 2006 Summer of Opportunity Program.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$142,300, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. [Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$300,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 6.] This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

By Councilmember McFadden
July 18, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 255 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Medical Services For The Emergency Communications Department

Int. No. 256 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Systems

Int. No. 257 - Amending The 2006-07 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 258 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

Int. No. 266 - Authorizing Agreements For A Youth Violence Strike Force And Amending The 2006-07 Budget

Respectfully submitted,
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-234
Re: Agreement Amendment - University of Rochester Medical Center Occupational and Environmental Medicine, Cumulative Trauma Disorders

Transmitted herewith for your approval is legislation authorizing an amendment of an agreement with University of Rochester Medical Center Occupational and Environmental Medicine, 601 Elmwood Avenue, Rochester, New York for services relating to cumulative trauma disorders in the Emergency Communications Department. Authorization is sought for a two-year extension, with two one-year renewal options, of an agreement that commenced January 1, 2003 and will expire December 31, 2006. The maximum annual cost of this agreement will be \$13,000, which will be financed from the 2006-07 fiscal year and future annual budgets of the Emergency Communications Department.

Cumulative trauma disorders - such as carpal tunnel syndrome, tendonitis and ganglion cysts - result from the need to repeat the same or similar motion over extended periods of time. Within the City, such disorders have been most prevalent in the Emergency Communications Department, whose personnel typically must enter significant amounts of data into computers from "fixed" or constrained positions.

In 1993, the NYS Department of Labor inspected the Emergency Communications Department. As a result of this inspection, it directed that, among other things, the City establish a medical management program to evaluate the prevalence of such injuries and to provide for the appropriate treatment and rehabilitation. To comply with this directive, on August 9, 1994, the City Council authorized an agreement with The Health Connection at Park Ridge Hospital for various services relating to cumulative trauma disorders. A successor agreement was authorized with CONCENTRA Managed Care Services, 333 Metro Park Suite N-210, Rochester, New York. On December 17, 2002, another successor agreement was authorized with the University of Rochester Medical Center Occupational and Environmental Medicine, 601 Elmwood Avenue, Rochester, New York, as documented in Ordinance No. 2002-409.

This current agreement will expire December 31, 2006. Authorization to extend the current agreement is requested to continue the work completed during

the initial term of the agreement as opposed to potentially starting over with a new consultant. In 2002, two proposals were received after soliciting proposals from eleven organizations for the current agreement.

Under the proposed agreement extension, University of Rochester Medical Center Occupational and Environmental Medicine (OEM) will continue to:

Assist in the development of medical protocols for physicians who are evaluating Emergency Communications Department employees for musculoskeletal injuries and illnesses.

Establish baseline evaluations for current and new Emergency Communications Department employees for the presence of musculoskeletal injuries and illnesses.

Review baseline documentation for Emergency Communications Department employees already available and, where needed, gather additional information on Emergency Communications Department staff.

Provide quarterly and yearly reporting of current status with regard to original baseline information.

Monitor and report employees at risk and provide referrals for treatment.

Coordinate treatment with employees' individual physicians and other medical providers as needed.

Participate and help establish a training program for Emergency Communications Department management, employees and staff to educate them regarding overexertion injuries and early symptoms. OEM will provide recommendations for tools, procedures, and policies to reduce these types of injuries.

Provide quarterly monitoring of employees evaluated at high risk for cumulative trauma disorders.

Recommend appropriate treatment, rehabilitation, return-to-work and injury prevention strategies for employees out of work due to musculoskeletal injuries using established medical protocols.

Review, upon request by the City, current and prior documentation, provide employee examinations at OEM facilities, and provide on-site observations, interviews, and consulting at the 911 Center during all shifts (24 hours per day).

Complete and deliver quarterly documentation and additional documentation as needed to communicate with and answer all relevant questions from City management, employees' physicians, and referrals within five working days of completing a physical examination or evaluation.

Commit a licensed physician to provide medical review and serve as the liaison with the City.

Maintain professional competence regarding, and demonstrate compliance with, OSHA and PESH regulations.

Coordinate with and assist City Occupational Health Consultants in providing medical care for Emergency Communications Department employees.

The cost of this agreement will be reimbursed by Monroe County under the 9-1-1 Operating Agreement authorized by the City Council on May 10, 1994.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-234
(Int. No. 255)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Medical Services For The Emergency Commu-
nications Department**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an amendatory professional services agreement between the City and the University of Rochester Medical Center Occupational and Environmental Medicine for a medical management program relating to cumulative trauma disorders among employees in the Emergency Communications Department. The agreement shall extend for two years, with two one-year renewal options. Said amounts shall be funded from the 2006-07 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-235
Re: Agreement - Wilmac, 9-1-1 Call-
Recording Systems Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with Wilmac, 73 State Street, Rochester, for repair and maintenance of the call-recording systems at the Emergency Communications Center and at the Cobbs Hill Radio Center. The cost of this agreement will not exceed \$26,000, and will be financed from the 2006-07 Budget of the Emergency Communications Department. The cost will be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by Council in 1994.

Wilmac installed the recording systems in 2004 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Emergency Communications Center. Wilmac is the only certified dealer authorized by the recording system manufacturer to sell and support the recording systems in Central and Western New York State, and is therefore recommended as a sole-source maintenance provider.

Services to be provided by Wilmac include inspection, any necessary repairs, software upgrades and parts replacements. The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-235
(Int. No. 256)

**Establishing Maximum Compensation For A
Professional Services Agreement For Emergency
Communications Systems**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$26,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Wilmac for repair and maintenance services of the call-recording systems at the Emergency Communications Center and the Cobbs Hill Radio Center. Said amount shall be funded from the 2006-07 Budget of the Emergency Communications Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-236
Re: Appropriation of Forfeiture Funds
for Greater Rochester Area Narcotics
Enforcement Team (GRANET)

Transmitted herewith for your approval is legislation authorizing appropriation of \$45,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2006-07 Budget of the Police Department by its inclusion.

The appropriated funds will be used to support GRANET operations for the period July 1, 2006 through September 30, 2006. The mission of GRANET is to achieve maximum coordination and cooperation and bring to bear the combined resources of member agencies primarily to investigate mid and upper level narcotic related offenses in the greater Rochester/Monroe County area.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in the GRANET's forfeiture fund as of June 30, 2006 is estimated to be \$45,000. This will be the first appropriation of GRANET's forfeiture funds during 2006-07.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-236
(Int. No. 257)

Amending The 2006-07 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$45,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-237
Re: Amendatory Agreement - J. Martin
Solutions, Inc., Labor Relations
Consultation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with J. Martin Solutions, Inc. for the provision of labor relations consultation services. The proposed amendment will allow additional hours of consultation during 2006-07, in an amount not to exceed \$30,000.

Under the provisions of the basic agreement, J. Martin Solutions provides general counsel and guidance on labor relations matters, including participating in strategy sessions and conducting or assisting with research. The principal of J. Martin Solutions is John M. Girvin, who coordinated labor relations matters for the Police Department, prior to his retirement. His expertise has proved to be very beneficial to the Police Department and the City during preparation for labor contract negotiations.

As you know, negotiations with the Rochester Police Locust Club for a new collective bargaining agreement have reached an impasse. In anticipation of mandatory binding arbitration proceedings, the Police Department requests an extension of the current consultant agreement to cover additional hours of consultation. The consultant has provided professional services to the City since January 2005. This amendment would extend the agreement term by twelve months to June 30, 2007, and increase the total cost by \$30,000. Funding for the amendatory agreement is available in the 2006-07 Budget of the Police Department in the amount of \$20,000 and 2006-07 Budget of the Bureau of Human Resource Management in the amount of \$10,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-237
(Int. No. 258)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and J. Martin Solutions, Inc. for labor relations consultation services for the Rochester Police Department. Of said amount, \$20,000 shall be funded from the 2006-07 Budget of the Rochester Police Department and \$10,000 shall be funded from the 2006-07 Budget of the Bureau of Human Resource Management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-238
Re: Youth Violence Strike Force

Transmitted herewith for your approval is legislation related to the Youth Violence Strike Force. This legislation will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for receipt and use of a grant of \$207,400 for the Youth Violence Strike Force;
2. Authorize agreements with the County of Monroe for the following components of the program:
 - \$23,793 for Juvenile Intervention Teams
 - \$18,300 for Anger Replacement Training; and
3. Amend the 2006-07 Budget as follows to reflect the receipt and use of the grant:
 - \$156,400 to the Budget of the Mayor's Office
 - \$26,500 to the Police Department
 - \$24,500 to Undistributed.

The Youth Violence Strike Force includes local community members, the criminal justice community, service providers, and government agencies. The City will act as the lead agency for the coordination of this program, whose primary objective is to reduce youth crime.

The Pathways to Peace Unit of the Mayor's Office will oversee the administration of program initiatives and will be responsible for implementation of project goals, procedures and operations, adherence to data collection and progress reporting procedures, supervising the administration of contracts for related projects, and working closely with employees responsible for providing support for grant initiatives. The

grant will fund the following:

Hire staff for the period of one year, to include:

- 2 P/T Youth Intervention Specialist
- 1 F/T Program Coordinator
- 1 P/T Clerical Aide
- 1 P/T FACIT Youth Services Specialist in the Police Department

Monroe County Department of Probation will participate in the program as follows:

Juvenile Intervention Teams (JIT): JIT is a collaborative effort between the Rochester Police Department (RPD) and the Monroe County Department of Probation. Juvenile Intervention Teams consist of a Police officer, probation officer, and a member of RPD's Family and Crisis Intervention Team (FACIT). JIT enables immediate response to calls for service involving juveniles with severe behavioral concerns.

Anger Replacement Training (ART): ART, based on the cognitive behavioral work of Dr. Andrew Goldstein of Syracuse University, is designed to change violent behavior and, thereby, reduce incidents of future violence. The Probation Department will expand this program to juvenile probationers.

Local matching funds of \$25,000 are included in the 2006-07 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-79

Ordinance No. 2006-238
(Int. No. 266)

Authorizing Agreements For A Youth Violence Strike Force And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt of funding for a Youth Violence Strike Force.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$156,400, to the Rochester Police Department by the sum of \$26,500, and to Undistributed Expense by the sum of \$24,500, which amounts are hereby appropriated from the grant funds authorized herein.

Section 3. The Mayor is hereby authorized to enter into agreements with the County of Monroe for Probation Officers to serve on the Juvenile Intervention Teams in an amount not to exceed \$23,793, and for the Anger Replacement Training Program in an amount not to exceed \$18,300. Said amounts shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
July 18, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 259 - Amending Ordinance No. 2005-388 Authorizing The Sale Of A Portion Of 110-120 Colfax Street

Int. No. 260 - Amending Ordinance No. 2003-347, Relating To Apprenticeship Programs For Certain Public Works Contracts, As Amended

Int. No. 264 - Establishing Maximum Compensation For A Professional Services Agreement For High Falls And Special Projects Oversight

Int. No. 265 - Establishing Maximum Compensation For A Professional Services Agreement For The Puerto Rican Festival

Respectfully submitted,
William F. Pritchard
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-239
Re: Amending Ordinance No. 2005-388 -
Authorized the Sale of a Portion of
110-120 Colfax Street

Transmitted herewith for your approval is legislation amending Ordinance No. 2005-388, which authorized the sale of a portion of City-owned property located at 110-120 Colfax Street to Invofab Industries, Inc., a related entity of Peko Precision Products.

Because of concerns about environmental and geotechnical conditions at the site, the company requested that the sale become a lease. The amended item would authorize a 25 year lease, with five, five-year renewal options for the property at an annual cost of \$13,000. The size of the parcel to be conveyed has changed slightly, from approximately 1.54 acres to approximately 1.25 acres because the City needs to retain a narrow strip of land for installation of an access driveway.

The lease price was determined by an independent appraisal prepared by Bruckner, Tillett & Rossi, who determined the original purchase price.

Ordinance No. 2005-388 authorized sale of a portion of 110-120 Colfax Street, which will be amended to a portion of 110-210 Colfax Street.

The details of the Peko Precision Products project remain the same. Peko is a full-service contract manufacturer servicing the automotive, alternative energy, semiconductor, transportation, medical and defense industries. Peko and its related entities, Marex Acquisition and Invofab Industries, own four facilities in the city. As a result of significant growth the company needs to expand. Based on the availability of the Colfax site for further expansion, Peko began a 20,000 square foot addition to their existing facility at 1425 Emerson Street earlier this year. As soon as they can occupy the City parcel they will begin building renovations designed to turn the Forestry property into a modern manufacturing facility.

Peko and Martec currently employ 380 workers. Based on current projections, they anticipate creation of an additional 75 jobs within three to five years.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it was determined that the proposed sale would not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-80

Ordinance No. 2006-239
(Int. No. 259)

Amending Ordinance No. 2005-388 Authorizing The Sale Of A Portion Of 110-120 Colfax Street

WHEREAS, the Council has received a proposal for the lease of a portion of the City-owned property at 110-210 Colfax Street, constituting approximately 1.25 acres, to Invofab Industries, Inc. for a term of 25 years, with five five-year renewal options; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the expansion of a significant manufacturer in the City and the creation of additional jobs;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-388, approving the sale of a portion of 110-120 Colfax Street, constituting approximately 1.54 acres, to Invofab Industries, Inc., as amended, is hereby further amended by changing the address to a portion of 110-210 Colfax Street and by alternatively authorizing the lease of a portion of 110-210 Colfax Street, constituting approximately 1.25 acres, for the sum of \$13,000 annually for a term of 25 years, with five five-year renewal options with rent to be approved by Council prior to renewal.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 260
Re: Apprenticeship Program for
City Contracts

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-347, which authorized the use of apprenticeship programs as a condition of award of certain public works contracts. The purpose of the amendment is to increase meaningful employment opportunities for City residents by extending apprenticeship program coverage to subcontractors.

Chapter 571 of the Laws of 2001 amended the New York State Labor Law to authorize municipalities to require contractors and subcontractors to participate in an apprenticeship training program as a condition of the award of a public works contract. City Council adopted Ordinance No. 2003-347 which requires prime contractors, with City construction contracts over \$250,000, to have NYS Department of Labor approved apprenticeship agreements.

From January 1, 2004, through April 30, 2006, the City has awarded 43 contracts valued at a total of \$54,003,942 containing the apprenticeship training program requirement. Contractors committed to utilize 21,981 apprentice hours. As a result of the requirement, several contractors developed and received New York Department of Labor approval to sponsor their own apprenticeship training.

Experience has shown that the apprenticeship training requirement might also be successfully applied to large subcontracts involved in major City construction contracts and broaden the program's coverage. Indeed, several major subcontractors involved in City construction contracts already participate in apprenticeship training programs. The proposed legislation, therefore, amends Ordinance 2003-347 to apply the apprenticeship training requirement to contractors and subcontractors on City construction contracts and subcontracts that exceed \$250,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Pritchard moved to return Introductory No. 260 to Committee.

The motion was seconded by Councilmember Santiago.

The motion was adopted by the following vote:

Ays - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Introductory No. 260, As Amended

AMENDING ORDINANCE NO. 2003-347, RELATING TO APPRENTICESHIP PROGRAMS FOR CERTAIN PUBLIC WORKS CONTRACTS

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. Ordinance No. 2003-347, relating to apprenticeship programs for certain public works contracts, is hereby amended by amending Sections 2, [and] 3 and 4 thereof to read in their entirety as follows:

Section 2. For the purposes of this ordinance, a "construction contract" shall mean any City public works contract [or subcontract] for an amount in excess of \$250,000, or a subcontract of such a contract, for construction, reconstruction or improvement of any building, facility or physical structure of any kind.

Section 3. The term "contractor" shall mean a contractor or subcontractor which directly employs labor under a construction contract.

Section 4. The City of Rochester hereby requires any contractor, prior to entering into a construction contract with the City of Rochester, and all subcontractors prior to entering into subcontracts for construction contracts, to have apprenticeship agreements, appropriate for the type and scope of work to be performed, which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law. The provisions of this ordinance shall not apply to certified W/MBE subcontractors engaged to satisfy diversity goals for the contract.

Section 2. Section 6 of Ordinance No. 2003-347 is hereby renumbered as Section 7, and there is hereby added a new Section 6 to read in its entirety as follows:

Should any section, sentence, clause or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. The amendments made in Section 1 shall take effect immediately and shall apply to all construction contracts advertised for bid after the date of adoption of this Ordinance. Section 2 shall take effect immediately.

Bracketed material deleted; underlined material added.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-240
Re: Agreement - High Falls and Special Events Oversight

Transmitted herewith for your approval is legislation authorizing an agreement for \$25,000 with David A. Delmonte, Rochester, for services related to High Falls and other special projects conducted by the Department of Recreation and Youth Services. The cost of this agreement will not exceed \$25,000 and will be funded from the 2005-06 Undistributed allocation.

Mr. Delmonte has previously provided oversight for both the Blue Cross Arena and High Falls. He will

assume the lead role for oversight of the High Falls Feasibility study, the Manhattan Square Park project, and other special projects for Recreation and Youth Services as needed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-240
(Int. No. 264)

Establishing Maximum Compensation For A Professional Services Agreement For High Falls And Special Projects Oversight

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and David A. Delmonte for oversight of High Falls activities and special projects of the Department of Recreation and Youth Services. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-241
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation authorizing an agreement with The Puerto Rican Festival, Inc., 130 North Winton Road, Rochester, for implementation of the 2006 Puerto Rican Festival. The maximum cost of this agreement will be \$25,000 and will be financed from the 2005-06 Budget for Undistributed Expense.

The Festival, held since 1968, is scheduled this year for August 11, 12, 13, 2006 at the Civic Center Plaza. The Festival is a celebration of Puerto Rican culture and a promotion of exchange with non-Latino members of the community.

The Festival has, in the past, operated on a self-sustaining basis. However, several factors last year contributed to a major deficit. Some of these were: heavy rain on two of the three days resulted in an estimated loss in admissions of \$14,000 and in reduced vendor revenues; hotel arrangements had to be changed at the last minute, resulting in higher costs; and an unanticipated loss of sponsorship from Chase Bank.

This one-time contribution from the City will enable the Festival to book performers and pay for other upfront costs required so that the Festival can operate on schedule.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-241
(Int. No. 265)

Establishing Maximum Compensation For A

Professional Services Agreement For The Puerto Rican Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Puerto Rican Festival, Inc. for the Puerto Rican Festival. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:10 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JULY 31, 2006
7:00 P.M.

Present - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago - 6.

Absent - Councilmembers Douglas, Lightfoot, Stevenson - 3.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By President Giess

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 270 And
Introductory No. 271
Re: Nighttime Youth Curfew

Transmitted herewith for your approval is legislation establishing a Nighttime Youth Curfew for the City of Rochester. Specifically, this legislation will:

1. Amend the City Code by adopting a curfew for youth under the age of 18 who remain in public places between the hours of 11 p.m. and 5 a.m.
2. Establish the amount of \$62,000 as maximum compensation for an agreement with Hillside Children's Center for the operation of a facility at 1337 East Main Street where youth picked up for violating the curfew can be taken.
3. Amend the 2006-07 Budget by transferring \$62,000 from Contingency to the Department of Recreation and Youth Services to fund the agreement with Hillside, and transferring \$20,000 from Contingency to the Mayor's Office to cover additional Pathways to Peace staff costs for a three-month period.

Public safety is a primary concern of this administration. The recent string of homicides and violent crimes in the City requires us to take every possible step to reduce crime and victimization. While a curfew cannot solve all of the City's crime problems, it will provide the police with an additional tool to help to prevent youth from being involved in crimes and from being victims of crimes.

The curfew will initially be in effect for a period of three months. During this time, procedures and enforcement efforts will be evaluated to determine their effectiveness and the need for possible revision.

Rochester Police Department records show that youth under the age of 18 comprise a significant number of victims and suspects of crimes during these late night and early morning hours. Between 2003 and 2005, of the number of youths who were victims of violent crimes, nearly 25% were victimized between the hours of 11 p.m. and 5 a.m. And, of those arrested for violent crimes, nearly 14% of the crimes happened during these overnight hours. Furthermore, assuming that the majority of young people are at home and asleep during this time period, this means that a larger proportion of those who are out at night are involved in violent crimes.

Numbers alone, of course, do not indicate the severity of this issue. The effects of crimes committed by and against youth are devastating to the entire community. It is all too common to see youth involved in violent behavior in the City. It is hoped that the curfew will limit the opportunity for nighttime violence by and against youth.

The curfew legislation authorizes the police to pick up youth for violations of the curfew and take them to a designated facility. The goal of the curfew enforcement is to get the youth home safely, and not to initiate court proceedings against the youth. The penalty established for disobedience of the curfew is classified as a violation, which under State law is not a crime.

Hillside's primary responsibility shall be to see that the youth are safely returned to their homes. However, we recognize that in many instances further intervention may be necessary for the welfare of the youth. Hillside will provide trained staff to evaluate the youth and make referrals for necessary intervention. Hillside is recommended as the facility provider since they are the only local organization with the licensing, training and expertise to be able to run such a facility on short notice.

During this initial period, the City will monitor and evaluate the program, identify strengths and weaknesses, and work toward the development of a curfew model similar to that used in Minneapolis. The City will continue to work with community agencies to identify additional service providers.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 270

AMENDING THE MUNICIPAL CODE TO ESTABLISH A NIGHTTIME CURFEW FOR MINORS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new Chapter:

Chapter 45

CURFEW

Section 45-1. Findings and purpose.

- A. A significant number of minors are victims of crime and are suspects in crimes committed during the nighttime hours, hours during which minors should generally be off the streets and getting the sleep necessary for their overall health and quality of life. Many of these victimizations and criminal acts have occurred on the streets at night and have involved violent crimes, including the murders of teens and pre-teens.
- B. While parents have the primary responsibility to provide for the safety and welfare of minors, the City also has a substantial interest in the safety and welfare of minors. Moreover, the City has an interest in preventing crime by minors, promoting parental supervision through the establishment of reasonable standards, and in providing for the well being of the general public.
- C. A curfew will help reduce youth victimization and crime and will advance the public safety, health and general welfare of the citizens of the City.

Section 45-2. Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the following meanings:

EMERGENCY - A circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

GUARDIAN - Any person other than a parent who has legal guardianship of a minor.

MINOR - A person under the age of eighteen (18). The term does not include persons under eighteen (18) who are married or have been legally emancipated.

PARENT - Birth parents, adoptive parents, and step-parents.

PUBLIC PLACE - Any area owned, leased, operated or controlled by or on behalf of any government, public authority or public corporation in the City to which the public or a substantial group of the public has general access, including, but not limited to, streets, including the sidewalk portion thereof, highways, bridges, skyways, parks, playgrounds, recreation areas, cemeteries, schools or school grounds, driveways, parking lots and parking garages.

RESPONSIBLE ADULT - A person eighteen (18) years of age or older specifically authorized by law or by a parent or guardian to have custody and control of a minor.

Section 45-3. Prohibited acts.

It is unlawful for a minor to remain in or upon any public place within the City at any time between 11:00 p.m. of one day and 5:00 a.m. of the immediately fol-

lowing day.

Section 45-4. Exceptions.

The prohibition contained in Section 45-3 shall not apply if the minor can prove that:

- (1) the minor was accompanied by his or her parent, guardian, or other responsible adult;
- (2) the minor was engaged in a lawful employment activity or was going to or returning home from his or her place of employment;
- (3) the minor was involved in an emergency situation;
- (4) the minor was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
- (5) the minor was on an errand at the specific direction of a parent or guardian;
- (6) the minor was exercising rights protected by the First Amendment of the United States Constitution or Article I of the Constitution of the State of New York; or
- (7) the minor was engaged in interstate travel.

Section 45-5. Penalty.

A violation of Section 45-3 shall constitute a "violation" as that term is defined in the New York State Penal Law.

Section 45-6. Procedures.

- A. A police officer may approach a person who appears to be a minor in a public place during prohibited hours to request information, including the person's name and age and reason for being in the public place.
- B. A police officer may detain a minor or take a minor into custody based on a violation of Section 45-3 if the police officer, after speaking with the minor and considering the facts and surrounding circumstances:
 - (1) reasonably believes that the minor has violated Section 45-3; and
 - (2) reasonably believes that none of the exceptions in Section 45-4 apply.
- C. A police officer who takes a minor into custody based on a violation of Section 45-3 shall take the minor to a location designated by the Chief of Police. The parent, guardian or other responsible adult shall be notified to come and take charge of the minor, unless the minor requires further intervention in accordance with law.

Section 2. This ordinance shall take effect on August 14, 2006 and shall remain in effect until 5:00 a.m. on November 13, 2006.

Item held.

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR CURFEW CENTER SERVICES AND AMENDING THE 2006-07 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$62,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hillside Children's Center for the operation of a curfew center, for a term of three months, where police officers can take youth found in violation of the City curfew. Hillside shall provide support, care and supervision for the youth, and attempt to contact a parent and return the youth to the custody of a responsible adult. Hillside shall also assess the youth to determine if additional intervention is required, and if so, to make arrangements for such intervention. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$62,000 from the Contingency Allocation to the Department of Recreation and Youth Services to fund this agreement, and the sum of \$20,000 to the Office of the Mayor to fund additional efforts of Pathways to Peace.

Section 3. This ordinance shall take effect immediately.

Item held.

The meeting was adjourned at 7:05 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING AUGUST 22, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony
Retirement:
Fire Department
William Empey

APPROVAL OF THE MINUTES
By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of July 18, 2006 and the Special Meeting of July 31, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,

COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3848-7
Public Disclosure - CDBG Participation 3849-7
Public Disclosure - HOME Participation 3850-7
Quarterly Reports 3851-7

The Director of Zoning Submits Notice of Environmental Determination 3852-7

The Corporation Counsel Submits Settlement of Tax Refund Lawsuit 3853-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing The Acquisition By Negotiation Or Condemnation Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan Int. No. 281 No Speakers.

Changing The Zoning Classification Of 90-98 Alexander Street, 573-625 South Clinton Avenue And 300 Hamilton Street From R-2 Medium Density Residential To R-2 Medium Density Residential/O-B Overlay Boutique Int. No. 282 2 Speakers: Andrew Patterson, Lyjha Wilton.

Amending The 2006-07 Consolidated Community Development Plan By Transferring Funds And Authorizing An Agreement For The Rochester Area Task Force On AIDS, As Amended Int. No. 254 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember McFadden moved to change the regular order of the committees by hearing the Public Safety Committee first.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

By Councilmember McFadden
August 22, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 298 - Establishing Maximum Compensation For A Professional Services Agreement For Legal Services And Amending The 2006-07 Budget

Int. No. 299 - Authorizing A Grant Agreement With

The New York State Crime Victims Board

Int. No. 300 - Authorizing An Amendatory Agreement For The Operating Practices Council Of The Public Safety Training Facility

Int. No. 305 - Establishing Maximum Compensation For A Professional Services Agreement For Crime Analysis Services

The following entitled legislation is being held in committee:

Int. No. 306 - Resolution Amending Resolution No. 85-10 Relating To A Policy For Police Services At Special Events

Int. No. 270 - Amending The Municipal Code To Establish A Nighttime Curfew For Minors

Int. No. 271 - Establishing Maximum Compensation For A Professional Services Agreement For Curfew Center Services And Amending The 2006-07 Budget

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-242
Re: Agreement - Legal Services

Transmitted herewith for your approval is legislation establishing maximum compensation of \$50,000 for an agreement with Jaeckle Fleischmann & Mugel, LLP, 190 Linden Oaks, for legal services.

As you are aware, negotiations with the Rochester Police Locust Club for a new collective bargaining agreement have reached impasse. Jaeckle Fleischmann & Mugel, LLP will represent the City in the mandatory binding arbitration proceedings. They have been chosen due to their expertise in representing municipalities in labor matters, particularly their successful representation of the City of Buffalo in recent police and fire contract proceedings.

The 2006-07 Budget will be amended by transferring \$50,000 from Contingency to the Rochester Police Department to fund the agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-92

Ordinance No. 2006-242
(Int. No. 298)

Establishing Maximum Compensation For A Professional Services Agreement For Legal Services And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Jaeckle Fleischmann & Mugel, LLP, for legal services in connection with a new labor agreement for Rochester Police Officers. Said amount shall be funded from the 2006-07 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Allocation to the Rochester Police Department to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-243
Re: Agreements with New York State Crime Victims Board For Grant Funding

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Crime Victims Board (NYS/CVB) for the receipt and use of a three-year grant. The funds will be used for assistance to crime victims and their families. Annual expenditures will be reimbursed as follows: 2006-07, \$245,364; 2007-08, \$252,574; and 2008-09, \$260,000.

The CVB grant will be used to continue funding positions in the Family and Victims Services Section of the Police Department, which provides direct services to crime victims. In the past year, staff were able to work with 4,972 victims of crime in the city. The previous annual award was \$233,500, authorized by City Council in August 2003. This new grant requires a 20% match, which is included in the 2006-07 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-243
(Int. No. 299)

Authorizing A Grant Agreement With The New York State Crime Victims Board

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Crime Victims Board for funding for the Family and Victim Services Section of the Rochester Police Department.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-244
Re: Public Safety Training Facility
Operating Agreement - Amendment

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the County of Monroe and Monroe Community College to amend the Operating Agreement, as authorized in Ordinance No. 97-323, for the Public Safety Training Facility. This amendment will reduce the number of members of the Operating Practices Council from twenty to fourteen in order to be able to achieve a quorum more often.

This amendment will also provide more flexibility in appointing members. Attached is a list of the original requirements for council membership and a list of required membership as proposed in this amendment.

The amendment was approved by the Monroe County Legislature in February 2006, and by the MCC Board of Trustees in May 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-81

Ordinance No. 2006-244
(Int. No. 300)

**Authorizing An Amendatory Agreement For
The Operating Practices Council Of The Public
Safety Training Facility**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory Operating Agreement with the County of Monroe and Monroe Community College for the Public Safety Training Facility whereby the number of members of the Operating Practices Council will be reduced from twenty to fourteen, with three City members to be chosen by the Mayor.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-245
Re: Agreement - Public Safety Initiatives
Center

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with the Rochester Institute of Technology for assistance in violence and crime analysis services. This work will be done in conjunction with the Mayor's Office, the Rochester Police Department and the Rochester by the Numbers office. The cost of this agreement will be funded from the Undistrib-

uted allocation of the 2006-07 Budget.

John Klofas, Ph.D., RIT professor of Criminal Justice, will provide the direction for establishing a center for research, analysis and strategies for addressing Rochester's violence problems. The Public Safety Initiatives Center, to be housed at RIT, will work with City Hall and RPD staff, RIT faculty and students, and other community resources to provide the following:

Develop a comprehensive City anti-violence plan;

Organize and coordinate on-going collaborative planning in the criminal justice system;

Monitor, analyze, and report on Rochester crime trends and patterns;

Conduct research on crime programs and policies; and

Provide data to drive the development of strategies and programs.

The City funds will be used as stipends for RIT students who will be participating in data analysis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-245
(Int. No. 305)

**Establishing Maximum Compensation For A
Professional Services Agreement For Crime Analysis Services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for assistance with crime analysis. Said amount shall be funded from the Undistributed allocation of the 2006-07 Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 306
Re: Policy for Police Services at Special
Events

Transmitted herewith for your approval is legislation amending Resolution 85 -10, Establishing Policy for Police Services at Certain Special Events. The original policy stipulates that the City will provide, at no cost, up to sixteen hours of Police service to organizations hosting road races, street festivals and other special events.

As you are aware, the number of such events places unreasonable demands on the budget of the Police Department when they provide traffic control and other related services. The financial impact is even greater since providing these non-routine services

requires assignment of officers working on overtime.

This amendment will allow the City to charge sponsors of such events for all special police services. The City will work with sponsors to minimize costs by recommending routes, times, etc., which will reduce the number of police hours required. The Chief of Police will continue to be authorized to deny permits for any event that might prevent the Department from providing a necessary level of service to protect public health and safety.

The Chief of Police will also be authorized to waive charges for nonprofit groups sponsoring small events, i.e., if the event requires fewer than two officers, will last for less than four hours, provided that on-duty officers are available to provide these services.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 306

RESOLUTION AMENDING RESOLUTION NO. 85-10 RELATING TO A POLICY FOR POLICE SERVICES AT SPECIAL EVENTS

WHEREAS, Resolution No. 85-10 established the policy for police services at certain special events; and

WHEREAS, the number of parades, road races, festivals and other special events in the City of Rochester continues to have a very serious impact upon the budgets of various City departments; and

WHEREAS, the budget of the Police Department is the most seriously affected because special events often require the assignment of police officers for traffic control and other purposes directly attributable to the special events and all police officers so assigned are often working on overtime; and

WHEREAS, the City wishes to be involved in the early planning of a special event so that the sponsor of such events can plan the event so that it will have the least impact upon the taxpayers of the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Rochester as follows:

Section 1. Resolution No. 85-10, establishing the policy for police services at certain special events, is hereby amended by renumbering Paragraphs 3 and 4 as Paragraphs 2 and 3, respectively, and by amending Paragraphs 1 and 2 to read in their entirety as the following new Paragraph 1:

1. The sponsors of parades, road races, festivals and other special events held on private or public property, which attract large numbers of persons to the events and which require special police services in the form of traffic control and other services, shall be charged all costs of police services at the events at the prevailing rates. The City shall work with the sponsors to minimize the police costs at such special events by recommending routes, times and places which require a minimum number of police officers to provide services. The Chief of Police shall continue to determine the number of officers needed for such special events based upon the time and place of the event. The Chief of Police shall deny a permit for a special event if the time or

place of the event will create significant traffic safety or other public safety problems, or if the number of other events scheduled for the same day will prevent the Police Department from providing the necessary services to the special event, or if the holding of the special event would otherwise endanger the public health and safety. The Chief of Police may provide an exception for small special events run by not-for-profit organizations if the event requires less than two (2) officers and lasts for a period less than four (4) hours, provided that the Chief is able to assign on-duty officers to provide services for such events. Nothing in this policy shall be construed to require the Chief of Police to assign police officers to festivals or block parties if the Chief deems there is no need for such an assignment. This resolution shall not require the payment of fees for marches, demonstrations or other activities protected by the First Amendment.

Section 2. This resolution shall take effect immediately.

Item held in committee.

Introductory Nos. 270 and 271 were introduced July 31, 2006, and appear in their original forms with their transmittal letter on page 213 of the current Council Proceedings.

Attachment No. AF-94

Councilmember McFadden moved to discharge Int. No. 270 and Int. No. 271 from Committee.

The motion was seconded by Councilmember Santiago.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 270.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2006-246
(Int. No. 270, As Amended)

Amending The Municipal Code To Establish A Nighttime Curfew For Minors

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new Chapter:

Chapter 45

CURFEW

Section 45-1. Findings and purpose.

- A. A significant number of minors are victims of crime and are suspects in crimes committed during the nighttime hours, hours during which minors should generally be off the streets and getting the sleep necessary for their overall health and quality of life. Many of these victimizations and criminal acts have occurred on the streets at night and have involved violent crimes, including the murders of teens and pre-teens.
- B. While parents have the primary responsibility to provide for the safety and welfare of minors, the City also has a substantial interest in the safety and welfare of minors. Moreover, the City has an interest in preventing crime by minors, promoting parental supervision through the establishment of reasonable standards, and in providing for the well being of the general public.
- C. A curfew will help reduce youth victimization and crime and will advance the public safety, health and general welfare of the citizens of the City.

Section 45-2. Definitions.

Whenever the following words and phrases are used in this chapter, they shall have the following meanings:

EMERGENCY - A circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.

GUARDIAN - Any person other than a parent who has legal guardianship of a minor.

MINOR - A person under the age of [eighteen (18)] seventeen (17). The term does not include persons under [eighteen (18)] seventeen (17) who are married or have been legally emancipated.

PARENT - Birth parents, adoptive parents, and step-parents.

PUBLIC PLACE - Any area owned, leased, operated or controlled by or on behalf of any government, public authority or public corporation in the City to which the public or a substantial group of the public has general access, including, but not limited to, streets, including the sidewalk portion thereof, highways, bridges, skyways, parks, playgrounds, recreation areas, cemeteries, schools or school grounds, driveways, parking lots and parking garages.

RESPONSIBLE ADULT - A person eighteen (18) years of age or older specifically authorized by law or by a parent or guardian to have custody and control of a minor.

Section 45-3. Prohibited acts.

It is unlawful for a minor to be [remain] in or upon any public place within the City at any time between 11:00 p.m. of one day and 5:00 a.m. of the immediately following day, except that on Friday and Saturday the hours shall be between midnight and 5:00 a.m. of the immediately following day.

Section 45-4. Exceptions.

The prohibition contained in Section 45-3 shall not apply if the minor can prove that:

- (1) the minor was accompanied by his or her parent, guardian, or other responsible adult;
- (2) the minor was engaged in a lawful employment activity or was going to or returning home from his or her place of employment;
- (3) the minor was involved in an emergency situation;
- (4) the minor was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
- [(5) the minor was on an errand at the specific direction of a parent or guardian;]
- [(6) 5] the minor was in the public place for the specific purpose of exercising fundamental rights such as freedom of speech or religion or the right of assembly protected by the First Amendment of the United States Constitution or Article I of the Constitution of the State of New York, as opposed to generalized social association with others; or
- [(7) 6] the minor was engaged in interstate travel.

Section 45-5. Penalty.

A violation of Section 45-3 shall constitute a "violation" as that term is defined in the New York State Penal Law.

Section 45-6. Procedures.

- A. A police officer may approach a person who appears to be a minor in a public place during prohibited hours to request information, including the person's name and age and reason for being in the public place.
- B. A police officer may detain a minor or take a minor into custody based on a violation of Section 45-3 if the police officer, after speaking with the minor and considering the facts and surrounding circumstances:
 - (1) reasonably believes that the minor has violated Section 45-3; and
 - (2) reasonably believes that none of the exceptions in Section 45-4 apply.
- C. A police officer who takes a minor into custody based on a violation of Section 45-3 shall take the minor to a location designated by the Chief of Police. The parent, guardian or other responsible adult shall be notified to come and take charge of the minor, unless the minor requires further intervention in accordance with law.

Section 2. This ordinance shall take effect on [August 14] September 5, 2006 and shall remain in effect until 5:00 a.m. on [November 13] December 4, 2006.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Conklin - 1.

Ordinance No. 2006-247
(Int. No. 271)

Establishing Maximum Compensation For A Professional Services Agreement For Curfew Center Services And Amending The 2006-07 Budget

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Conklin - 1.

By Councilmember Conklin
August 22, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 272 - Authorizing The Sale Of Real Estate

Int. No. 273 - Approving Acquisition Of Parcels For The Rochester City School District

Int. No. 274 - Authorizing An Agreement For Property Management Services

Int. No. 275 - Authorizing A Lease Agreement For Space At The Lincoln Branch Library

Int. No. 276 - Resolution Approving Reappointments To The Rochester Public Library Board Of Trustees

Int. No. 277 - Resolution Approving An Appointment To The Elevator Examining Board

Int. No. 278 - Authorizing An Agreement For The Lead-Safe Rental Housing Program

Int. No. 279 - Establishing Maximum Compensation For A Professional Services Agreement For Project Impact Evaluations For The Community Development Program

Int. No. 280 - Approving The Special Residential Rehabilitation Projects Program And Authorizing An Agreement

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 281 - Authorizing The Acquisition By Negotiation Or Condemnation Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal

Int. No. 282 - Changing The Zoning Classification

Of 90-98 Alexander Street, 573-625 South Clinton Avenue And 300 Hamilton Street From R-2 Medium Density Residential To R-2 Medium Density Residential/O-B Overlay

Int. No. 308 - Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Landing Public Waterfront Improvements Project

Int. No. 309 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,757,000 Bonds Of Said City To Finance The Cost Of Construction Of The Brooks Landing Public Waterfront Improvements Project

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-248
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of forty properties. Staff has audited City records to ensure that purchasers other than those of unbuildable vacant land do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are structures that are being sold to the former owners. The purchase amounts include all delinquent taxes, interest and penalties.

The next two properties are structures that were sold at the April 17, 2006 Request for Proposal sale. The property at 664 Hudson Avenue will be rehabilitated as a performing arts center. The property at 197 Whitney Street will be rehabilitated as a grocery store and one apartment.

The next twenty-one properties are structures that were sold at a public auction held on May 10 and May 11, 2006. Purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of closing.

The next property is a vacant lot that is being sold to the adjoining property owner. The purchaser will combine the parcel with their existing adjoining property.

The last fourteen properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-82

Ordinance No. 2006-248
(Int. No. 272)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by former owner sale:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 320 Central Pk 106.51-2-62 | 40x121 Estate of Ernest & Ernestine Frazier | \$ 4,638 |
| 625-627 Hudson Av 106.33-1-20 | 48x150 David Little | 16,092 |

Section 2. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Price</u> |
|----------------------------------|---|--------------|
| 664 Hudson Av 106.33-2-2.2 | 82x150 Dontest Hunt | \$4,000 |
| 197 Whitney St 105.82-1-52 | 44x86 William M. Quinn | 4,000 |

Section 3. The Council hereby further approves the sale of the following parcels of improved property by regular auction:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Legal</u> <u>Use</u> | <u>Price</u> |
|----------------------------------|---|----------------------------|--------------|
| 305 Ames St 120.25-2-11 | 35x112 | 1 Family | \$ 6,500 |
| 160 Atkinson St 121.37-1-34 | 40x100 | 1 Family | 12,500 |
| 73 Austin St 105.57-2-3 | 40x120 | 1 Family | 4,000 |
| 180-182 Bartlett St | 36x141 | 2 Family | 9,500 |
| 120.67-2-75 | Jermaine Beckford | | |
| 54 Berlin St 106.24-1-1.1 | 70x142 | 1 Family | 6,500 |
| 23-23.5 | Samnan Ep | | |
| Costar St 105.51-3-51 | 50x122 | 1 Family | 6,500 |
| 146-150 | Oz Smart Investments, Inc.* | | |
| Garson Av 106.68-1-39 | 80x125 | 2 Family | 22,000 |
| 257 Garson Av 106.68-3-10 | 40x100 | 1 Family | 10,000 |
| 665 | Love & Blessing Trust*** | | |
| Goodman St N 106.60-1-34 | 33x83 | 2 Family | 18,000 |
| 37-39 | Leslie Knox | | |
| Hollister St 106.42-1-52&51 | 75x110 | 2 Family | 8,500 |
| | Rony Joseph | | |

| | | | |
|---------------------------------|---|----------|--------|
| 649 Jay St 105.82-3-71 | 43x90 | 1 Family | 6,500 |
| 666 Joseph Av 106.31-3-43 | 48x117 | 1 Family | 3,800 |
| 17 Lamont Pl 106.60-3-15.2 | 59x103 | 1 Family | 3,500 |
| 454-458 | Ixleine Dufrene | | |
| Lexington Av 105.25-2-7 | 40x40 | 4 Family | 41,000 |
| | Judah Estates, LLC & T.O.K. LLC **** | | |
| 270 Magnolia St 120.83-1-45 | 36x144 | 1 Family | 3,500 |
| 1604 Main St E 107.70-3-28.1 | Rony Joseph | | |
| 206-210 | 58x120 | 2 Family | 19,000 |
| Parsells Av 107.53-3-37 | Kuami Dozi Goli | | |
| 1116-1118 | 50x158 | 2 Family | 30,000 |
| Plymouth Av S 135.28-1-16 | Kuami Dozi Goli | | |
| 46 Potter St 105.72-1-39.1 | 43x160 | 2 Family | 26,000 |
| 407 Ravine Av 105.33-2-37 | 130x128 | 1 Family | 23,000 |
| 1538-1540 | Juan Carlos Rivera | | |
| St. Paul St 090.76-1-62 | 80x120 | 1 Family | 12,500 |
| | Rony Joseph | | |
| | 50x144 | 2 Family | 40,500 |
| | Kuami Dozi Goli | | |

* Officers: Jullian Richardson; Yuri Szilasi
** Officers: Milla Austin; Dorothea Silva
*** Officer: Nikko Wu
**** Officers: Kenroy O'Conner; David Judah

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: 885-891 Clinton Av N
S.B.L.#: 106.30-3-64
Lot size: 58x151
Price: \$250
Purchaser: St. Michael's Church*

* Officers: Bishop Matthew Clark; Fr. Joseph Hart; Deacon Dan Hurley

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot</u> <u>Size</u> <u>Purchaser</u> | <u>Sq.</u> <u>Ft.</u> |
|------------------------------------|---|--------------------------|
| 1 Ariel Pk 106.29-1-32 | 36x78 | 2867± |
| | Lee C. Elliott & Manuel Green | |
| 253 Champlain St 120.60-2-58 | 33x141 | 4659± |
| 396 Durnan St 091.75-1-87 | Kevin Beard | |
| EH 902 Jay St Pt of 105.81-1-30 | 40x80 | 3200 |
| WH 902 Jay St Pt of 105.81-1-30 | John Cole | |
| 3 Ludwig Pk 091.79-3-45 | 17x120 | 2040 |
| 290 Parkway 105.51-1-37 | Johnnie Twillie | |
| 59 Radio St 106.30-3-10 | 17x120 | 2040 |
| Pt of EH 35 St. Jacob St | James S. Beaman | |
| | 38x59 | 2285± |
| | Leron Johnson | |
| | 39x77 | 3072± |
| | J. Paul Dhillon | |
| | 34x108 | 3604 |
| | Antonio & Carmen Colon | |
| | 18x38 | 711± |
| | Enid D. Cruz | |

| | | |
|--------------------|--------------------------|--------|
| Pt of EH 35 | | |
| St. Jacob St | 18x38 | 711± |
| Pt of 106.25-3-19 | Arthur Lee & Rosa Lee | Thomas |
| Pt of EH 35 | | |
| St. Jacob St | 18x38 | 711± |
| Pt of 106.25-3-19 | Jimmie & Peggie Ann Sims | |
| WH 35 St. Jacob St | 18x115 | 2070± |
| Pt of 106.25-3-19 | Eleuterio Mendez | |
| EH 20 Siebert Pl | 17x78 | 1335± |
| Pt of 106.38-2-51 | Abdullah K. Saleh | |
| WH 20 Siebert Pl | 17x78 | 1335± |
| Pt of 106.38-2-51 | Mason Lewis | |

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-249
Re: Berlin Street/Hudson Avenue
Property Acquisitions

Transmitted herewith for your approval is legislation authorizing the acquisition of ten properties on Berlin Street and Hudson Avenue for the Rochester City School District. Pertinent information regarding the acquisition is as follows:

| <u>Address</u> <u>Owner</u> | <u>Lot Size</u> | <u>Acq.</u> <u>Amt.</u> <u>Type</u> |
|--------------------------------|-----------------|---|
| 248-250 Berlin St | 56x79.45 | \$ 45,000 |
| Julius & Margorie Sumicz | 4 Family | |
| 254 Berlin St | 49x79.80 | 7,500 |
| Estate of Alfreda M. May | 1 Family | |
| 260 Berlin St | 40x80.16 | 19,000 |
| Chwesik & Snihur LLC | 1 Family | |
| 266 Berlin St | 40x80.51 | 19,000 |
| Jesus Torres | 1 Family | |
| 270 Berlin St | 40x80.87 | 8,300 |
| John Rayburn | 1 Family | |
| 276 Berlin St | 40x81.22 | 24,000 |
| John & Bernice Fitzgerald | 2 Family | |
| 282 Berlin St | 40x81.57 | 23,000 |
| Graham Holroyd | 2 Family | |
| 292 Berlin St | 40x82.28 | 40,000 |
| Vickie Porter | 1 Family | |
| 803-805 Hudson Av | 42x80.75 | 38,000 |
| Church of Jesus Christ | Comm | |
| 807-809 Hudson Av | 41x80.75 | 43,000 |
| Church of Jesus Christ | 2 Family | |
| Total | | \$266,800 |

The acquisition is part of the School District's capital improvement project for the Transportation, Maintenance, Storehouse and Food Service Operations Center located at 835 Hudson Avenue.

The purchase amounts were established through independent appraisals prepared by Allen Fitzpatrick, SRA. The District is allocating \$3.35 million in bond funds for this project. This allocation includes money

to cover the cost of the acquisitions.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-83

Ordinance No. 2006-249
(Int. No. 273)

**Approving Acquisition Of Parcels For The
Rochester City School District**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels for use by the Rochester City School District for the Transportation, Maintenance, Storehouse and Food Service Operations Center:

| <u>Address</u> <u>Owner</u> | <u>Lot Size</u> | <u>Maximum</u> <u>Acq. Amt.</u> <u>Type</u> |
|--------------------------------|-----------------|---|
| 248-250 Berlin St | 56x79.45 | \$ 45,000 |
| Julius & Margorie Sumicz | 4 Family | |
| 254 Berlin St | 49x79.80 | 7,500 |
| Estate of Alfreda M. May | 1 Family | |
| 260 Berlin St | 40x80.16 | 19,000 |
| Chwesik & Snihur LLC | 1 Family | |
| 266 Berlin St | 40x80.51 | 19,000 |
| Jesus Torres | 1 Family | |
| 270 Berlin St | 40x80.87 | 8,300 |
| John Rayburn | 1 Family | |
| 276 Berlin St | 40x81.22 | 24,000 |
| John & Bernice Fitzgerald | 2 Family | |
| 282 Berlin St | 40x81.57 | 23,000 |
| Graham Holroyd | 2 Family | |
| 292 Berlin St | 40x82.28 | 40,000 |
| Vickie Porter | 1 Family | |
| 803-805 Hudson Av | 42x80.75 | 38,000 |
| Church of Jesus Christ | Comm | |
| 807-809 Hudson Av | 41x80.75 | 43,000 |
| Church of Jesus Christ | 2 Family | |
| Total | | \$266,800 |

Section 2. The acquisition and necessary closing costs shall be funded by the City School District.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-250
Re: Agreement - Property Management
Services

Transmitted herewith for your approval is legislation

authorizing an agreement with R.D.F. Management, 81 Williston Road, Rochester, (Principal, Richard Fenwick) to provide property management services for City-owned real estate. R.D.F. will be paid 12% of rents collected; in the past this has averaged \$22,000 per year.

Services will include rental collection, minor repairs, snow plowing and lawn maintenance.

A recent Request for Proposal for property management services yielded proposals from five property management firms. These proposals were reviewed by a staff committee. R.D.F. Management is recommended based on the range of services provided, experience in dealing with City properties, and their fee schedule.

The agreement will be for a period of one year. Two renewal periods, of one year each, will be available upon agreement by both parties.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-250
(Int. No. 274)

Authorizing An Agreement For Property Management Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with R.D.F. Management for management and maintenance services for City-owned properties for a term of one year, with two one-year renewal options.

Section 2. The agreement shall obligate the City to pay R.D.F. Management a management fee in the amount of 12% of rents collected, and for maintenance at the rate of \$25 per hour for one person or \$40 per hour for two persons, which amounts are hereby appropriated from the Property Management Account.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-251
Re: Lease - 851 Joseph Avenue

Transmitted herewith for your approval is legislation authorizing the continuance of a lease agreement with Crestwood Children's Center, for space located in the Lincoln Branch Library at 851 Joseph Avenue.

The new lease will have an initial term of five years with provision for renewal for an additional five-year period. The annual rental rate will be \$6,000 as established through an independent appraisal prepared by Kevin Bruckner, MAI. The rental amount may be offset by capital improvements made by the tenant to

the leased space.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-251
(Int. No. 275)

Authorizing A Lease Agreement For Space At The Lincoln Branch Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Crestwood Children's Center for the lease of approximately 4,000 square feet of office space in the Lincoln Branch Library. The lease shall be for a term of five (5) years, and Crestwood Children's Center shall be obligated to pay annual rent of \$6,000. The tenant shall have the option to renew the lease for an additional term of five (5) years. The City may credit against each annual rent payment the amount of the unamortized cost of the improvements made by the Crestwood Children's Center that year. No excess credit shall be applied as a rental credit.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-28
Re: Appointments - Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the re-appointment of the following four members of the Rochester Public Library Board of Trustees:

| <u>Residence</u> | <u>Term Will Expire</u> |
|---|-------------------------|
| Lydia Boddie-Rice 35 Crosman Terrace 14620 | December 31, 2009 |
| John E. Lovenheim 24 Grove Place 14605 | December 31, 2010 |
| Katharine S. Parsons 8 East Blvd. 14610 | December 31, 2010 |
| Randall Peacock 212 Inglewood Dr. 14619 | December 31, 2009 |

Resumes for these individuals are on file in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-28
(Int. No. 276)

Resolution Approving Reappointments To The

Rochester Public Library Board Of Trustees

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointments of Lydia Boddie-Rice, 35 Crosman Terrace, and Randall Peacock, 212 Inglewood Drive, to the Rochester Public Library Board of Trustees for terms which shall expire on December 31, 2009. The Council hereby further approves the reappointments of John E. Lovenheim, 24 Grove Place, and Katharine S. Parsons, 8 East Boulevard, to the Rochester Public Library Board of Trustees for terms which shall expire on December 31, 2010.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-29
Re: Appointment - Elevator Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of Alan R. Rothfuss Jr., 5392 Skinner Rd., Marion, New York 14505, to the Elevator Examining Board. He fills a vacancy created by the recent death of Joseph G. Kelly.

Mr. Rothfuss' term will extend to December 31, 2008. His resume is on file for review in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-29
Int. No. 277

Resolution Aproving An Appointment To The Electrical Examining Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Alan R. Rothfuss, 5392 Skinner Road, Marion, New York 14505, to the Elevator Examining Board for a term which shall expire on December 31, 2008. Mr. Rothfuss shall replace Joseph G. Kelly, who is deceased.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-252
Re: Inter-Municipal Agreement -
Lead-Safe Rental Housing

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the operation of a lead hazard reduction program for rental housing. The agreement, not to exceed \$376,500, will be funded from the Lead Hazard Reduction Demonstration Grant awarded by

the United States Department of Housing and Urban Development that was authorized by Ordinance No. 2003-404.

The Monroe County Department of Public Health (MCDPH) will resurrect a program which had previously been funded through a HUD Lead Hazard Control Grant. That program reimbursed investor-owners up to \$3,500 per unit for creating lead-safe housing.

This program, designed for rental housing units that do not require extensive renovation, will cover a program administration fee of \$2,530 per unit and up to \$5,000 to the owner for costs associated with addressing any lead-paint hazards. This will allow a minimum of fifty rental units to be taken care of. Properties must be maintained as lead-safe for five years.

The County will administer the program, preparing a combined lead-based paint inspection and risk assessment for each unit. Any costs exceeding \$5,000 will be covered by the property owner. Once remedial action is completed by the owner, the County will conduct clearance examinations.

The program will assist property owners in complying with the City's Lead Poisoning Prevention Ordinance. The program has been endorsed by the Mayor's Lead Ordinance Implementation Advisory Committee at their June 21, 2006 meeting.

The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-252
(Int. No. 278)

Authorizing An Agreement For The Lead-Safe Rental Housing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the Lead-Safe Rental Housing Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$376,500, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 2 of Ordinance No. 2003-404.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-253
Re: Consolidated Community Development
Plan/Project Impact Evaluations

Transmitted herewith for your approval is legislation establishing as maximum compensation \$30,000 (in-

cluding \$2,000 for contingencies) for an agreement with the Center for Governmental Research, Inc. (CGR) to conduct project impact evaluations. The source of funds is the 2005-06 Undistributed Expense Allocation.

The City's preparation and administration of a Consolidated Community Development Plan is required by the U.S. Department of Housing and Urban Development for funding from the Community Development Block Grant, Emergency Shelter Grant, and other programs. Funds from these programs are awarded as sub-grants by the City's Department of Community Development (DCD) to nonprofit agencies that provide services to low- and moderate-income families. DCD seeks to determine the efficiency, effectiveness and impact of three projects and their administering agencies, which currently receive annual funding totaling \$475,000.

| <u>Project Agency</u> | <u>Amount</u> |
|---|---------------|
| Mortgage Default Resolution Housing Council in the Monroe County Area, Inc. | \$300,000 |
| Fair Housing Electronic Resource Center Empire Justice Center | 10,000 |
| Landlord and Tenant Services Housing Council | 70,000 |
| Legal Aid Society of Rochester | 70,000 |
| Legal Assistance of Western New York | 25,000 |

A request for proposal was sent to seven organizations, published in the Democrat and Chronicle, and posted on the City's web site. Two proposals were received and reviewed. CGR was selected based on their understanding and approach to the project, quality of the proposal, experience and cost. A copy of their proposal is available in the Office of the City Clerk.

CGR will conduct project evaluations to determine the impact on the recipients of the project's services and how effectively and efficiently these services are being delivered. The evaluations will include input from community development officials in other cities, and alternatives available to the City for achieving objectives will also be presented.

The project will begin September 5 and will be completed on December 29, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-253
(Int. No. 279)

Establishing Maximum Compensation For A Professional Services Agreement For Project Impact Evaluations For The Community Development Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Govern-

mental Research, Inc. for project impact evaluations for the Community Development Program. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-254
Re: Appropriation of Funds for Special
Residential Rehabilitation Projects

Transmitted herewith for your approval is legislation establishing a new program entitled, "Special Residential Rehabilitation Projects". The City occasionally encounters situations in which tax foreclosed or other vacant properties are in need of rehabilitation, are considered significant to neighborhood stabilization, but do not easily fit existing development programs. This legislation will allow such properties to be designated as "Special Residential Rehabilitation Projects", and will establish funds for the development of these properties. Specifically, this legislation will:

1. Authorize the Mayor to designate "Special Residential Rehabilitation Projects", as deemed necessary;
2. Appropriate \$300,000 from the Asset Control Area (ACA) Program account to be used for the rehabilitation and sale of properties designated as "Special Residential Rehabilitation Projects"; and
3. Authorize an agreement with the Rochester Housing Development Fund Corporation, Inc. (RHDFC) for any necessary purchase and sale contracts for transfer of title on such designated properties, and to provide construction management and development coordination services for these properties.

The first proposed "Special Residential Rehabilitation Project" is the rehabilitation and de-conversion of the property located at 144 Chili Avenue. This property was acquired from HUD through the original Asset Control Area Agreement. It is located in a historic district near the corner of Chili Avenue and Wellington Avenue. Demolition is not a viable option because of the historic status of the property and the blighting impact the resulting vacant lot would have on the surrounding neighborhood. The rehabilitation will include de-conversion from an illegal five-family structure to a two-family property. The property will then be sold to an owner-occupant purchaser who must agree to live in the property for a minimum of five years.

The second proposed "Special Residential Rehabilitation Project" is located at 106 Arbordale Avenue. This single-family property was acquired through tax foreclosure and is in need of significant repair. The neighbors have expressed their desire that the property be sold to an owner-occupant purchaser to preserve the integrity of the neighborhood. Unfortunately the condition of the property prevents most prospective owner-occupant purchasers from obtaining a loan. Selling the property after it has been fully rehabilitated will provide an opportunity for owner-occupant

purchasers to obtain mortgage financing.

This property does not fit into the City's existing acquisition rehabilitation program, Home Rochester, because the subsidy sources used for that program also requires buyers to be at or below 80% of area median income. In order for this property to be affordable to qualified buyers, the purchase price will have to be reduced below market value which could negatively affect market values throughout the neighborhood. The use of ACA funds will allow buyers with higher incomes to be eligible to purchase the property, and the sale price to remain at the market value. This will ensure that the development of this property does not adversely affect the property values in the neighborhood.

City Council will receive notice of all future designations and subsequent sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-254
(Int. No. 280)

Approving The Special Residential Rehabilitation Projects Program And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the Mayor to designate properties which are in need of rehabilitation, are considered significant to neighborhood stabilization, and do not fit into existing development programs, for development under the Special Residential Rehabilitation Projects Program. The Council hereby further approves the sale of said designated properties to the Rochester Housing Development Fund Corporation for their acquisition price, or if taken by tax foreclosure for their appraised value, without further Council approval. The Council shall be informed of all designated properties and subsequent sales. The Council hereby further approves the cancellation of outstanding City taxes and other charges against said parcels through the date of closing.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for necessary purchase and sale contracts, rehabilitation and construction management and development coordination services for the designated properties.

Section 3. The agreement shall obligate the City of Rochester to provide an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from Asset Control Area Program Funds.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 281
Re: La Marketa Development Project

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 804-806 North Clinton Avenue as part of the La Marketa Development Project. The property is included in the La Marketa North Clinton Avenue Urban Renewal District, which was approved by City Council in June 2004.

As part of the La Marketa Development Project, City Council approved the sale of certain city-owned properties adjacent to 804-806 North Clinton to Buckingham Properties LLC for the development of an approximately 20,000 square-foot commercial retail center with parking. It has since been determined that the property at 804-806 North Clinton Avenue is needed to provide visual access to the development, thereby enhancing its marketability. It is anticipated that the retail center will stimulate the redevelopment of the North Clinton Avenue corridor between Upper Falls Shopping Center and Hickey-Freeman Co.

Federal funding is not being used for this project, and, therefore, a preliminary Anti-Displacement and Relocation Plan is not required. The City will relocate present occupants following the Rules and Regulations Governing Relocation Payments for Property Appropriated by the City for Non-Federally Assisted Projects, adopted by Council in 2002.

Relocation costs are estimated at up to \$25,000 for the first-floor business tenant and \$1,000 for one occupied second-floor residential apartment.

The compensation for the acquisition of 804-806 North Clinton Avenue (Alan and Tommy Lin, Owners) will be \$62,000, which was established through an independent appraisal prepared by Jay Loson, MAI of Midland Appraisal Associates, Inc. The price does not include any consideration of environmental or geotechnical conditions and assumes an environmentally clean site. The maximum acquisition and relocation costs of \$88,000 will be funded from 2006-07 Cash Capital.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Conklin moved to return Int. No. 281 to Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Introductory No. 281

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF 804-806 NORTH CLINTON AVENUE TO FURTHER THE LA MARKETA NORTH CLINTON AVENUE URBAN RENEWAL PLAN

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 804-806 North Clinton Avenue, SBL #106.39-1-76, from the current owners Alan and Tommy Lin, to implement the La Marketa North Clinton Avenue Urban Renewal Plan.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$62,000, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2006-07 Cash Capital Allocation.

Section 3. In the event said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 5. This ordinance shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-255
Re: Zoning Map Amendment - 90-98
Alexander Street, 573-625 South
Clinton Avenue and 300 Hamilton
Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 90-98 Alexander Street, 573-625 S. Clinton Avenue, and 300 Hamilton Street from R-2 Medium Density Residential to R-2 Medium Density Residential/O-B Overlay Boutique.

The map amendment is requested by Lyjha Wilton, the owner of five of the affected properties and three properties immediately adjacent to the rezoning area. Mr. Wilton proposes the addition of O-B zoning to the existing R-2 residential zoning to allow for greater flexibility in redeveloping the existing residential properties, many of which are in distressed condition.

The subject area is bordered to the north, south and east by C-2 Community Commercial uses and to the west by R-2 uses. The thirteen properties affected by the proposed rezoning are:

| | |
|-----------------------|---------------------------|
| 90 Alexander Street | Four family |
| 92 Alexander Street | Three family* |
| 94 Alexander Street | Vacant land* |
| 96 Alexander Street | Single family* |
| 98 Alexander Street | Two family* |
| 573 S. Clinton Avenue | Single family* |
| 579 S. Clinton Avenue | Single family |
| 300 Hamilton Street | Two family (side by side) |
| 597 S. Clinton Avenue | Three family |
| 607 S. Clinton Avenue | Three family |
| 613 S. Clinton Avenue | 2 Single family |

| | |
|-----------------------|---------------|
| 619 S. Clinton Avenue | Two family |
| 625 S. Clinton Avenue | Single family |

* Owned by the applicant

The owners of ten of the properties consented to the rezoning. Affected property owners were notified by certified mail and no objections were received.

The underlying R-2 zoning will control the density of residential uses of the properties, ensuring that the existing residential character of the area is maintained. The O-B Overlay Boutique will permit conversion of all or a portion of these properties for limited small-scale commercial uses that are commensurate with the residential scale of the neighborhood. Permitted and specially permitted uses in the O-B include, but are not limited to, specialty retail sales such as art galleries, specialty food stores, cafes, etc.

In conjunction with the proposed rezoning, Mr. Wilton proposes to construct a parking lot in the rear yards of 94-98 Alexander Street to serve any new commercial uses established under the proposed O-B zoning as well as the existing coffee house at 581 South Clinton Avenue, which is owned and operated by the applicant. The parking lot will require Site Plan approval by the Director of Zoning and Special Permit approval for ancillary parking from the City Planning Commission.

The Planning Commission held an informational meeting on June 19, 2006. Lyjha Wilton, presented the application. There was one speaker in support of the request and one speaker in opposition. By a vote of 6-0, the Commission recommended approval. Both the Planning Staff Report and Planning Commission Recommendation are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-84

Ordinance No. 2006-255
(Int. No. 282)

Changing The Zoning Classification Of 90-98 Alexander Street, 573-625 South Clinton Avenue And 300 Hamilton Street From R-2 Medium Density Residential To R-2 Medium Density Residential/O-B Overlay Boutique

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 90-98 Alexander Street, 573-625 South Clinton Avenue and 300 Hamilton Street, from R-2 Medium Density Residential to R-2 Medium Density Residential/O-B Overlay Boutique:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at the intersection of the northerly extension of the westerly line of Lot 430 of the Johnson & Atkinson Tract, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 8 & 9 and Liber 4 of Maps, Page 82 & 83, and the centerline of Alexander Street (54' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said Alexander Street centerline, a distance of 206.8 feet, more or less, to the northerly extension of the easterly line of Lot 4 of the James Fowler Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 47; thence
- 2) Southerly, along said extension and the easterly line of Lot 4, a distance of 160.0 feet, more or less, to the southeast corner thereof and the northerly line of Lot 424 of the said Johnson & Atkinson Tract; thence
- 3) Northeasterly, along said northerly line of Lot 424, a distance of 177.0 feet, more or less, to the centerline of South Clinton Avenue (60' ROW); thence
- 4) Southeasterly, along said South Clinton Avenue centerline, a distance of 427.8 feet, more or less, to the easterly extension of the southerly line of Lot 3 of the Verona Rau Estate Subdivision, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 7; thence
- 5) Southwesterly, along said extension and the southerly line of Lot 3, a distance of 112.0 feet, more or less, to the southwest corner thereof; thence
- 6) Northwesterly, along the rear line of said Lot 3, a distance of 40.0 feet to the northwest corner thereof and the southerly line of Lot 358 of the said Johnson & Atkinson Tract; thence
- 7) Southwesterly, along said southerly line of Lot 358, a distance of 65.77 feet to the southwest corner thereof; thence
- 8) Northwesterly, along the rear line of Lot 358, 357 & 356 of the said Johnson & Atkinson Tract, a distance of 120.84 feet to the northwest corner of Lot 356; thence
- 9) Northeasterly, along the northerly line of said Lot 356, a distance of 79.9 feet to the southwest corner of lands conveyed to Edward Reiss & Jonathan McKnight by a deed filed in Liber 6446, Page 241; thence
- 10) Northwesterly, along the rear line of said lands of Reiss & McKnight, a distance of 104.0 feet, more or less, to the centerline of Hamilton Street (46' ROW); thence
- 11) Northeasterly, along said centerline of Hamilton Street, a distance of 8.0 feet, more or less, to the southerly extension of the rear line of lands conveyed to Edward Reiss & Gerald Hommel by a deed filed in Liber 7130, Page 196; thence

- 12) Northwesterly, along the extension and the rear line of said lands of Reiss & Hommel, a distance of 62.8 feet, more or less, to the northwest corner thereof and the southerly line of Lot 425 of the said Johnson & Atkinson Tract; thence
- 13) Southwesterly, along said southerly line of Lot 425, a distance of 87.39 feet to the southwest corner thereof; thence
- 14) Northwesterly, along the rear line of said Lot 425 and Lot 424, a distance of 100.0 feet to the northwest corner of said Lot 424 and the southerly line of said Lot 4 of the James Fowler Subdivision; thence
- 15) Southwesterly, along said southerly line of Lot 4 and Lot 5, a distance of 68.75 feet, more or less, to the southwest corner of said Lot 5 and the southeast corner of Lot 428 of the said Johnson & Atkinson Tract; thence
- 16) Westerly, along the rear line of said Lot 428 and Lot 430, a distance of 134.11 feet to the southwest corner of said Lot 430; thence
- 17) Northerly, along the westerly line of said Lot 430 and it's extension, a distance of 197.0 feet, more or less, to the said centerline of Alexander Street, said point being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-256 And
Ordinance No. 2006-257
Re: Brooks Landing Public Waterfront
Improvements Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,757,000 and the appropriation of the proceeds thereof to finance construction of the Brooks Landing Public Waterfront Improvement Project. This legislation also authorizes \$192,000 as maximum compensation for an agreement with Bergmann Associates, 200 First Federal Plaza, for Resident Project Representation (RPR) services, to be financed from the bond requested herein.

The project, designed by Bergmann Associates, includes these features:

A riverfront promenade with concrete boat wharf, concrete walk with paver edging, river railing restoration, lighting, benches, and landscaping.

A sculpture plaza with sidewalk, lawn area for future public art, brick piers with ornamental fencing, concrete piers flanking the promenade entry, and landscaping.

Public domain improvements along South Plymouth Avenue with sidewalk, exposed aggregate concrete pavement within the historic footprint of the Genesee Valley Canal, brick piers with ornamental fencing, tree lawn restoration, and landscaping.

A permanent public access easement, authorized by Council in October 2003, allows for the public domain improvements to be constructed on property owned by Christenson Corporation, the owner and developer of the adjacent hotel. Christenson will maintain the improvements; the City will be responsible for the repair of improvements.

Bids for construction were received on August 1, 2006. Four bids were received and bid tabulation and analysis are underway. Construction will be financed from the bond requested herein. Bergmann Associates was selected to perform RPR services based on the quality of the team assigned to the project. The cost of the services (\$192,000) will be financed from the bond authorized herein. Construction is expected to begin this September and be completed in late 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-256
(Int. No. 308)

Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Landing Public Waterfront Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$192,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the Brooks Landing Public Waterfront Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-257
(Int. No. 309)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,757,000 Bonds Of Said City To Finance The Cost Of Construction Of The Brooks Landing Public Waterfront Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of the Brooks Landing Public Waterfront Improvements Project, including, but not limited to a riverfront promenade and boat wharf, sculpture plaza and sidewalk and landscaping improvements in the Brooks Landing Area on the west side of the Genesee River in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,757,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,757,000 bonds of the City to finance said appropriation, and the levy and col-

lection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,757,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds are authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 3 of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized

to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

By Councilmember Stevenson
August 22, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 283 - Authorizing Grant Funding From The New York State Canal Corporation To Implement The Erie Canal Greenway Program, As Amended

Int. No. 284 - Authorizing An Application And Agreement For Funding For The Rochester Heritage Trail Project

Int. No. 285 - Authorizing The Acceptance Of Easements For The Middle Falls Crossing Project Of The Genesee Riverway Trail

Int. No. 286 - Authorizing The Lease Of The River Street Train Depot

Int. No. 287 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 288 - Authorizing Agreements For An Alternative Fuels Study And Amending The 2006-07 Budget

Int. No. 289 - Authorizing The Sale Of Property At The Public Market

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-258 And
Ordinance No. 2006-259

Re: Grant Applications - Erie Canal
Greenway And Lloyd E. Klos
Historical Fund

Transmitted herewith for your approval is legislation authorizing grant applications to:

1. New York State Canal Corporation for a \$50,000 Erie Canal Greenway Grant to partially fund the cost of canal signage; and
2. The Rochester Area Community Foundation for \$25,000 from the Lloyd E. Klos Historical Fund toward the cost of design of a Rochester Heritage Trail.

The Erie Canal Greenway Grant Program is providing competitive grants available to municipalities and non-profit organizations along the New York State Canal System. The grants support efforts to preserve and rehabilitate canal infrastructure, enhance recreational opportunities and promote tourism, historic interpretation, and community revitalization throughout the canal corridor. The grant requires a 50/50 match. The cost of the canal signage project is estimated at \$100,000.

The Klos fund is offering \$110,000 in competitive grants to not-for-profit organizations and municipalities in the greater Rochester region. The grants are intended to fund important community history projects. The proposed Rochester Heritage Trail will consist of significant sites, which are located downtown within a corridor linking the Second Erie Canal Aqueduct and the Susan B. Anthony Historic District, to be planned and presented as a self-guided walking tour of Rochester history. The project will include design of standards for interpretive signage, to be implemented as part of future capital projects, as well as site-specific research and design of sign content. No local match is required for this grant. However, the project is estimated to cost \$40,000.

If these grants are received, the City share for both projects - \$50,000 and \$15,000, respectively - would be funded from future Cash Capital allocations.

Both granting agencies require a resolution from the sponsoring municipality in support of the grant application.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-258
(Int. No. 283, As Amended)

Authorizing Grant Funding From The New York State Canal Corporation To Implement The Erie Canal Greenway Program

WHEREAS, the New York State Canal Corporation is soliciting projects to implement Governor George E. Pataki's vision for an Erie Canal Greenway, first proposed by the Governor in May 2005; and

WHEREAS, the December 2005 report released by the New York State Canal Corporation Interagency Task Force, entitled "Report on the Future of New York State Canals", recommended a voluntary, collaborative strategy for providing assistance to communities along all four canals of the New York State

Canal System through a canal-wide "greenway" program; and

WHEREAS, funding for a grant program to implement the vision of the Governor and the recommendations of the Task Force was approved in the 2006-2007 New York State Budget, and \$6 million is available under four grant categories;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester supports the creation of a voluntary Erie Canal Greenway, as proposed by the Governor and recommended in the Report by the Interagency Task Force, based upon six (6) principles, including: (1) waterfront public access; (2) tourism; (3) recreational development; (4) natural and cultural resource protection; (5) local and regional planning; and (6) economic revitalization.

Section 2. The City of Rochester supports the submission of [an application] three applications for funding from the New York State Canal Corporation through the Erie Canal Greenway Grant Program in the amount of \$50,000 for the project entitled "Canal Signage for Erie Harbor" in the amount of \$250,000 for the project entitled "Canal Greenway" and in the amount of \$50,000 for the project entitled "Genesee Waterway Center". The Mayor is hereby authorized to submit [an application] the applications and enter into [an agreement] agreements for such [project] projects. The [application] applications and [agreement] agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2006-259
(Int. No. 284)

Authorizing An Application And Agreement For Funding For The Rochester Heritage Trail Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Lloyd E. Klos Historical Fund for funding for the design of the Rochester Heritage Trail Project.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-260
Re: Genesee Riverway Trail/Middle Falls Crossing Project

Transmitted herewith for your approval is legislation

which will authorize acceptance of a temporary easement and two permanent easements from RG&E Corporation at 125 Brewer Street. The temporary easement will provide for construction of the project and, upon completion, one permanent easement will provide for public access and the other for maintenance access. RG&E has agreed to grant the three easements at no cost to the City.

The Middle Falls Crossing Project is a new section of trail linking Lower Falls Park on the west bank to St. Paul Blvd on the east bank via the RG&E Middle Falls Dam and Brewer Street. The project consists of an asphalt trail, overlooks, landscaping and trail signage. The trail will be ten feet wide for a distance of approximately 1,200 feet on the south side of the dam, and approximately 200 feet on the north side of the dam.

The project, designed by City staff, has an estimated construction cost of \$438,000 which will be financed from previous years' Cash Capital allocations. It is anticipated that construction will begin this summer and be completed by year end.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-85

Ordinance No. 2006-260
(Int. No. 285)

Authorizing The Acceptance Of Easements For The Middle Falls Crossing Project Of The Genesee Riverway Trail

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of construction, maintenance and public access easements from the Rochester Gas & Electric Corporation (RG&E) at 125 Brewer Street to provide for a new section of the Genesee Riverway Trail that will link Lower Falls Park on the west side of the Genesee River to St. Paul Boulevard on the east side via the RG&E Middle Falls Dam and Brewer Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-261
Re: Lease - River Street Train Depot

Transmitted herewith for your approval is legislation approving a lease to a company to be formed by Mark IV Construction Co. Inc, for the River Street Train Depot located at 490 River Street, containing approximately 3,600 square feet.

The lease term will be ten years with two five-year options for renewal. Based on an appraisal completed by Pogel, Schubmehl & Ferrara, LLC, the rental rate for the initial term will be \$900 per month. For renewals, the rent shall be increased by 50% of the Consumer Price Index over the prior lease term. The tenant will be responsible for all utility, tax and insurance costs. Mark IV will have the right to sub-lease

the property to a restaurant operator.

The long-term lease will include the stipulation that if the building remains vacant or unavailable to the public for a period of six consecutive months, the lease shall be deemed in default.

In August 2005, the City issued a Request for Proposals for lease of the depot building. Proposals received by the November 2005 deadline were from: Mark IV Construction for a restaurant; Terrence Testa (Pelican's Nest Restaurant) for a restaurant/bar; Gibbs Marine Group for boater services; and Mardanth Enterprises (Mario's Via Abruzzi Restaurant) for a restaurant.

The Mark IV submission was the only one that did not include contingencies, and was selected for the project. Mark IV will renovate the property for a 76-seat "white table cloth" restaurant with "bistro" atmosphere and bar seating for 25. The restaurant will operate year round. The cost of the project is approximately \$260,000 to be financed with private resources from the DiMarzo Group and Mark IV.

Mark IV has extensive experience as restaurant property managers; their portfolio includes Panzari's and Nathaniel's in Corn Hill Commons, Siams in Corn Hill Landing, and they directly operate full service restaurants in their four Legacy Senior Living communities.

Review under the State Environmental Review Act is underway. A Special Permit for the use is required and will be considered at the August 14 meeting of the City Planning Commission meeting; the decision will be forwarded to Council when available. Renovations would commence in late August or early September with a projected opening in December 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-86

Ordinance No. 2006-261
(Int. No. 286)

Authorizing The Lease Of The River Street Train Depot

WHEREAS, the Council has received a proposal for the lease of the River Street Train Depot at 490 River Street, constituting approximately 3,600 square feet, to a company to be formed by Mark IV Construction Company, Inc. for a term of 10 years, with two five-year renewal options; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the renovation of the River Street Train Depot and the establishment of a restaurant and bar in the port area and the creation of additional jobs;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the lease of the River Street Train Depot at 490 River Street, constituting approximately 3,600 square feet, to a company to be formed by Mark IV Construction Company, Inc. (the "tenant") for the sum of \$10,800 annually for a term of 10 years, with two five-year renewal options with rent to be increased by 50% of the increase in the Consumer Price Index over the prior lease term, which renewals must be further approved by Council prior to expiration of the term. The tenant shall renovate the depot for public restaurant and bar use and any other use shall constitute a substantial change for which the City shall have the option to terminate the lease. The tenant shall be responsible for all utility, tax and insurance costs. If the depot remains vacant or unavailable to the public for a period of six consecutive months, the lease shall be deemed in default. The tenant may, upon approval of the City, sub-lease the property to a restaurant operator, subject to all of the same terms and conditions as required by the lease.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-262
Re: Agreement - NYS Department of
Transportation, Snow Removal

Transmitted herewith for your approval is legislation authorizing a one-year extension (required by the New York State Department of Transportation) to an agreement with NYSDOT for the provision by the City of snow and ice removal services on the following state highways, comprising a total length of 2.7 miles:

Lake Avenue, from Lyell Avenue to W. Ridge Road; and

Plymouth Avenue, from Commercial to Troup Streets.

The current agreement, authorized by City Council in September 2005, expires on June 30, 2008; the extension will move the expiration date to June 30, 2009.

New York State will reimburse the City \$37,610 for snow and ice removal performed during the 2006-07 winter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-262
(Int. No. 287)

Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State De-

partment of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2009. The agreement shall obligate the State to reimburse the City for such services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-263
Re: City Vehicle Fleet Alternative
Fuels Study

Transmitted herewith for your approval is legislation establishing \$48,750 as maximum compensation for an agreement with Fleet Counselor Services, Inc., Mesa, Arizona, to conduct a City of Rochester Vehicle Fleet Alternative Fuels Systems Study; appropriating this amount from a Federal Highway Administration grant administered through the Genesee Transportation Council; and amending the 2006-07 DES Budget by \$48,800 to reflect the receipt and use of the grant.

With rising fuel costs and impending federal air pollution controls on diesel vehicles, there is a need for a study of the use of alternative fuels for the City's fleet. The study will: examine fleet usage characteristics; research and evaluate alternative fuel technologies, such as bio-diesel and hydrogen fuels; conduct five peer city reviews; make recommendations for City fleet fuel conversions if deemed feasible; and, develop an implementation plan, including both Federal and State phasing and funding sources. The study is expected to be completed by March 2007.

Fleet Counselor Services, the sole responder to the Request for Proposal issued, will work with Clean Fuels Consulting of Bay Shore, NY and Shamrock Training & Consulting of Canandaigua, NY to conduct the study. The study team has a variety of experience in fleet management, alternative fuels studies, and implementation projects, including federal and state grant requests.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-263
(Int. No. 288)

Authorizing Agreements For An Alternative Fuels Study And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Genesee Transportation Council for funding for an Alternative Fuels Study for the City vehicle fleet.

Section 2. The sum of \$48,750, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fleet Counselor Services, Inc. to conduct an Alternative Fuels Study for the City vehicle fleet. Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$48,800, which amount is hereby appropriated from Federal Highway Administration funds to be received from the Genesee Transportation Council through the agreement authorized in Section 1.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-264
Re: Land Sale - Stanton Capizzi
Partnership

Transmitted for your approval is legislation authorizing the sale of City-owned property at the Public Market to Stanton Capizzi Partnership, a related entity of Big Apple Deli Products, for a maximum of \$6,500. The purchase price was determined by an independent appraisal prepared by Bruckner, Tillett & Rossi.

The attached map illustrates the portion of the Public Market Property to be subdivided for sale to Stanton Capizzi. The parcel, approximately .25 acre, is irregular in shape and located adjacent to the railroad tracks and behind the Big Apple Deli Products building.

Stanton Capizzi, owners of 171 Railroad Street, are also the managers of the tenant, Big Apple Deli Products, a food wholesaler. In 2000, with financial assistance from the City, 3,000 square feet of space was added to the existing 17,000 square-foot building. Stanton Capizzi will use the site to expand their property, allowing Big Apple Deli Products the space necessary to remain at this site.

Big Apple Deli currently has 38 employees; seventeen are city residents. The company expects to create twenty new jobs within three years.

Stanton Capizzi will accept the property in an "as is" condition; construction of a 10,000 square-foot addition is expected to begin immediately following the sale. The Director of Real Estate may reduce the price based on environmental costs.

Pursuant to the requirements of Article 8 of the N.S. Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,

Robert J. Duffy
 Mayor

Attachment No. AF-87

Ordinance No. 2006-264
 (Int. No. 289)

Authorizing The Sale Of Property At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of approximately one-quarter acre of land to be subdivided from the Public Market to Stanton Capizzi Partnership, for the sum of \$6,500, for expansion of its facility on the adjacent parcel at 171 Railroad Street. The purchase price may be reduced by the Director of Real Estate by the cost of environmental remediation performed by the purchaser.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
 August 22, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 290 - Cancellation Of Taxes And Charges

Int. No. 292 - Amending The 2005-06 Budget

Int. No. 293 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services And Amending The 2006-07 Budget

Int. No. 294 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Int. No. 295 - Authorizing Agreements For The Communi-Tech Project

Int. No. 296 - Authorizing Agreements For Human Services Programs

Int. No. 297 - Establishing Maximum Compensation For A Professional Services Agreement With Garth Fagan Dance, Inc.

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 254 - Amending The 2006-07 Consolidated Community Development Plan By Transferring Funds And Authorizing An Agreement For The Rochester Area Task Force On AIDS, As Amended

The following entitled legislation is being held in Committee:

Int. No. 291 - Amending The Municipal Code With Respect To Payments Via The Internet

Respectfully submitted,

Carolee A. Conklin
 Dana K. Miller
 Lois J. Giess
 FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2006-265
 Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$69,676.46.

An amount of \$47,383.87, 68.01% of the total, relates to six properties that were taken by the City of Rochester in a tax foreclosure sale on March 16, 2006.

The sum of \$13,850.00, 19.88% of the total, applies to three properties that have code violations that were incurred by a former owner.

Six properties with a tax total of \$8,442.59, 12.11% of the total, were transferred from HUD to the City of Rochester in March 2006.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$159,961.98.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 29 | \$159,961.98 |
| Administrative | 0 | 0 |
| Total | 29 | \$159,961.98 |

These cancellations represent .069% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2006-265
 (Int. No. 290)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(a) These properties were acquired by the City of Rochester from HUD in March 2006.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax</u> | <u>Amount</u> |
|---------------------|--------------|-------------|------------------|
| <u>Address</u> | | <u>Year</u> | <u>Cancelled</u> |
| 090.510-0002-021 | H | | |
| 215 Flower City Pk. | | 2007 | \$ 1,654.71 |
| 090.740-0002-009 | H | | |
| 253 Pierpont St. | | 2007 | 1,536.82 |
| 091.760-0001-085 | H | | |
| 82 Midland Ave. | | 2007 | 1,251.10 |
| 091.830-0002-010 | H | | |
| 61 Randolph St. | | 2007 | 1,509.61 |
| 121.660-0003-045.1 | H | | |
| 4 Eisenberg Pl. | | 2007 | 1,064.43 |

121.810-0001-069 H
180 Benton St. 2007 1,425.92

- (b) These properties were acquired by the present owners through a City tax foreclosure sale on March 16, 2006. The charges were against the prior owner and the charges remain unpaid.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|--------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 091.620-0002-012 | NH | 2007 | \$ 1,852.15 |
| 105.660-0003-032 | NH | 2007 | 8,300.00 |
| 105.820-0003-030.1 | NH | 2007 | 2,384.47 |
| 105.830-0001-035 | NH | 2007 | 22,477.43 |
| 106.340-0001-073 | NH | 2007 | 4,500.00 |
| 121.280-0002-023 | NH | 2007 | 7,869.82 |

- (c) These properties were sold by arms length or foreclosure sales and the code violations are attributed to the prior owner.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|--------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 105.510-0003-036 | H | 2007 | \$ 1,250.00 |
| 107.620-0001-037 | H | 2006 | 3,600.00 |
| 121.580-0004-009.1 | H | 2006 | 8,600.00 |
| 49 Woodlawn St. | | 2007 | 400.00 |
| Grand Total | | | \$69,676.46 |

Section 2. If full or partial payment of the afore-said taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-266
Re: 2005-06 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2005-06 Budget. This legislation will:

- Transfer from the Contingency Account the following:
 - \$3,738,200 to various departments the amount of appropriations required for the salary and wage increases recently authorized for non-uniformed employees and to make allowance for pending settlements;
 - \$2,090,000 to the Cash Capital Account;
 - \$159,900 to the Fire Department.

- Amend the 2005-06 Cash Capital Account to increase expense and revenues by \$442,000.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 41 other amendments to the 2005-06 budget. These amendments reflected four appropriation transfers, and 37 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2005-06 will be audited by the City's external auditors, Deloitte & Touche. This amendment is required to fund expenditures, permit the completion of the audit, and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

On June 14, when the 2005-06 Budget was adopted by the City Council, salary and wage rates had not yet been established for employees represented by the American Federation of State, County and Municipal Employees (AFSCME) and employees included in the Confidential classification. As a result, a special provision for possible increases had to be included in the Contingency Account.

Since that time, a labor agreement has been negotiated with AFSCME and the rate increases authorized for Confidential employees. The AFSCME agreement provides for a salary increases as follows:

| | | | |
|---------|-------|---------|-------|
| 2005-06 | 3.0% | 2006-07 | 2.75% |
| 2007-08 | 2.75% | 2008-09 | 3.0% |

The new AFSCME agreement also includes changes in health care and a new start step for new employees that will result in future savings. The authorized increase for Confidential employees is also 3% for 2005-06. An allowance is also being made for the projected anticipated costs for contracts not yet settled with the Rochester Police Locust Club, Inc., the International Association of Firefighters, Non-Uniform (IAFF), the International Union of Operating Engineers (IUOE), and the Civil Service Employees Association (CSEA). An allowance is also required for the pending authorized increase for Police non-union management.

These actual and anticipated costs will be financed through the proposed appropriation transfer.

| <u>Purpose</u> | <u>Transfer To</u> | <u>Amount</u> |
|--------------------|---------------------|--------------------|
| Salaries and Wages | | |
| | Various Departments | \$3,135,700 |
| Employee Benefits | | |
| | Undistributed | 602,500 |
| Total | | \$3,738,200 |

The \$2,090,000 increase to the Cash Capital Account is for the following:

- Funding for surveillance equipment (\$500,000) and other police equipment (\$200,000). The police department is identifying locations within the city where surveillance equipment will be placed as an additional tool for public safety.
- Funding for the relocation of the Forestry and Training activities (\$325,000). Forestry is vacating the premises located at 330 Colfax Street,

so that Peko Precision Products may utilize the site for private development, as authorized by Council through Ord. No. 2005-388 and No. 2006-239. Forestry will move into the former offices of the Department of Environmental Services Training and Safety Office space at 210 Colfax Street. The relocation of the Forestry unit is scheduled for this fall.

Improvements at 210 Colfax Street will include construction of a road, parking lot expansion, installation of parking stanchions, electrical improvements, fencing repairs, and minor improvements to the building and office space, including installation of fixtures, equipment and office furniture.

The Training unit will be relocating to Hart Street in a collaborative effort with the City School District (CSD). The CSD will provide the City space for its training unit at no cost and the City will provide available seats to CSD employees for City-offered training programs that are applicable to CSD employees. The funding allocation includes a provision for new tables and chairs for the training unit.

3. Funding for land acquisition and demolition (\$1,065,000), including the long planned allocation, is intended to fund the demolition of the old Mortimer Street Garage.

The Fire Department expenditures in excess of authorized appropriations are attributable to greater medical expenses than anticipated (\$187,800).

The amendment to the 2005-06 Cash Capital Account to increase expense and revenues by \$442,000 reflects the receipt of that amount from CSX as settlement of claims made by the City to reimburse site remediation expenses incurred due to the December 23, 2001 derailment in Charlotte. The funds will be used for future remediation of hazardous materials.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-266
(Int. No. 292)

Amending The 2005-06 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,090,000 from the Contingency Account to the Cash Capital Allocation.

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$3,898,100 from the Contingency Account to the following:

| | |
|--------------------------|------------|
| Administration | \$ 123,500 |
| City Council and Clerk | 23,400 |
| Community Development | 54,300 |
| Economic Development | 7,700 |
| Emergency Communications | 236,200 |
| Environmental Services | 687,700 |
| Finance | 104,400 |
| Fire | 190,000 |

| | |
|-------------------------------|-----------|
| Law | 11,600 |
| Library | 42,200 |
| Recreation and Youth Services | 178,600 |
| Police | 1,636,000 |
| Undistributed Expense | 602,500 |

Section 3. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$442,000 to fund remediation of hazardous materials, which amount is hereby appropriated from funds received through a settlement of claims with CSX.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-267
Re: Amendatory Agreement -
Deloitte & Touche LLP

Transmitted herewith for your approval is legislation regarding the annual independent audit of the City and the City School District. The legislation will authorize an amendatory agreement with Deloitte & Touche LLP for additional services connected with the audit of both organizations and will amend the 2006-07 Budget of the City Council/City Clerk to fund the City's portion of those services. The incremental cost of these additional services will be \$5,000 per year each for the City and the District for the two remaining years of the agreement, or a total of \$20,000.

In March 2003, City Council approved a five-year agreement with Deloitte & Touche LLP for the performance of annual audits for the City and the City School District for fiscal years 2002-03 through 2006-07. Since then, there have been significant changes in audit requirements that necessitate additional audit work that was not contemplated when the original fees were established. Most notable is the Governmental Accounting Standards Board (GASB) requirement for reporting post-employment benefits.

As you will recall, City Council has already authorized a consultant agreement for computation of the actuarial valuation of this obligation, which is the prerequisite for reporting the liability. Using that actuarial report, Deloitte & Touche LLP will need to perform its own expert analysis to render an opinion on the City's financial statements. This additional analysis is the basis for the cost increase.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2006-267
(Int. No. 293)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, annually to be divided equally between the City and the City School District, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Deloitte & Touche LLP for independent audits of the financial statements of the City and the City School District, for the remaining two one-year renewals of the original agreement. Of said amount, \$5,000 shall be funded from each of the 2006-07 and 2007-08 Budgets of the City Council/City Clerk, and \$5,000 shall be funded from each of the 2006-07 and 2007-08 Budgets of the City School District, contingent upon approval of subsequent budgets.

Section 2. Ord. No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,000 from the Contingency Account to the budget of the City Council/City Clerk, to fund the City's portion of said agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-268
Re: Rochester Housing Authority -
Wage And Salary Increases

Transmitted herewith for your approval is legislation authorizing wage increases, retroactive to July 1, 2005, for both the bargaining and non-bargaining employees of the Rochester Housing Authority. The salary range adjustment (cost of living increase) will be 3.0% for 2005, and 2.75% for 2006.

These wage and salary increases were approved by the RHA's Board of Commissioners at their July 26, 2006 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-268
(Int. No. 294)

Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 3.0% for bargaining unit and non-bargaining employees of the Rochester Housing Authority, retroactive to July 1, 2005, and 2.75% retroactive to July 1, 2006, as approved by the Board of Commissioners of the Rochester Housing Authority on July 26, 2006.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-269
Re: Communi-Tech Project

Transmitted herewith for your approval is legislation related to the Communi-Tech Project. This legislation will:

1. Authorize an agreement with the Academy for Career Development for administration of the Communi-Tech project for an amount not to exceed \$95,200; and
2. Authorize an agreement with WXXI Public Broadcasting for a one-year lease of 660 square feet of space for a cost of \$4,800.

Both agreements will be funded from the General Community Needs allocation of the 2006-07 Community Development Block Grant.

The Communi-Tech Project is considered a project with matching funds and is eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements represent the fifth and final year of CDBG funding for Communi-Tech.

Communi-Tech provides a direct, on-line Help Desk that gives technical assistance to a network of neighborhood computer learning centers.

WXXI provides a central location site for the Communi-Tech project. The location is also the site of the offices of the technical services personnel. Both organizations share similar goals of advancing community-based learning.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2006-269
(Int. No. 295)

Authorizing Agreements For The Communi-Tech Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Academy for Career Development, Inc. for the Communi-Tech Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$95,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section 3. The Mayor is hereby further authorized to enter into an agreement with WXXI Public Broadcasting for the lease of technical operation space at 280 State Street to be used for the Communi-Tech Project. The agreement shall extend for a term of one year.

Section 4. The lease agreement shall obligate the City to pay an amount not to exceed \$4,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

opment Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-270
Re: Human Services Projects

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

| <u>Organization Project</u> | <u>Amount</u> |
|---|---------------|
| Baden Street Settlement Metro Council For Teen Potential (MCTP) | \$35,000 |
| Rochester Area Community Foundation Quad A - Neighborhood After-School Program | 37,500 |
| United Way Services Corp. Creating Assets, Savings and Hope (CASH) | 20,000 |
| Center For Change School #41 Mentoring Program | 7,500 |

MCTP, Quad A and C.A.S.H. are considered projects with matching funds and eligible for five years of funding. The C.A.S.H. project will enter its fourth year, and the MCTP & Quad A projects will enter their fifth and final years. The School #41 project is a project without matching funds, eligible for up to three years of funding under the funding guidelines approved by Council in 1981. However, only two years were requested; this will be the second and final year of funding.

MCTP works with partner agencies to promote development and health of City youth, focusing on the highest need neighborhoods.

The School #41 Project links students from neighboring John Marshall High School with at-risk elementary school children for one-on-one mentoring, volunteering and community involvement.

Quad A provides after-school and summer programming to youth at Schools #17, #30 and #34.

The C.A.S.H. initiative provides free tax-preparation and financial literacy services and outreach to low-income families of Rochester and Monroe County.

The MCTP, Quad A and C.A.S.H. programs will be financed from the General Community Needs allocation of the 2006-07 Community Development Block Grant; the School #41 project will be financed from the Job Creation/Youth Development allocation of the 2005-06 CDBG. Project descriptions and budgets are attached.

Respectfully submitted,

Robert J. Duffy,
Mayor

Attachment No. AF-89

Ordinance No. 2006-270
(Int. No. 296)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

| <u>Organization Project</u> | <u>Amount</u> |
|--|---------------|
| Baden Street Settlement, Inc. Metro Council for Teen Potential | \$35,000 |
| Center For Change School #41 Mentoring Program | 7,500 |
| Rochester Area Community Foundation Quad A For Kids Neighborhood After-School Program | 37,500 |
| United Way Services Corp. Creating Assets, Savings and Hope Initiative (CASH) | 20,000 |

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$7,500 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2005-06 Community Development Program and \$92,500 is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember McFadden abstained because he is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-271
Re: Agreement - Garth Fagan Dance, Inc.

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Garth Fagan Dance, Inc. This amount will be financed from the 2006-07 Undistributed account.

Garth Fagan Dance will work with City Recreation Centers to select 100 City youth for an opportunity to attend a special school matinee performance in November 2006. They will be joined by 1,500 other area K-12 students. In addition, Garth Fagan Dance will visit five City Recreation Centers and present Master Classes that focus on movement, diet and respect for the body in January 2007. Also, City youth will be invited to attend a special behind-the-scenes look at the dance company; this will be offered three times during the year, and can accommodate 100 students at each session.

As one of the only cultural entities in Rochester with a global audience, Garth Fagan Dance is an integral and unique contributor to the cultural richness of our community, and has the distinct ability to provide an enriching experience for students. This agreement will help continue educational outreach programming that teaches self-respect, confidence, responsibility, self-discipline, and leadership that carry over into students' school and home lives.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-271
(Int. No. 297)

Establishing Maximum Compensation For A Professional Services Agreement With Garth Fagan Dance, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Garth Fagan Dance, Inc. for a school matinee performance and educational services for City youth. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-272
Re: Agreement - Finger Lakes Health
Systems Agency

Transmitted herewith for your approval is legislation authorizing an agreement with the Finger Lakes Health Systems Agency to support the Rochester Area Task Force on AIDS (RAFTA). The cost of this agreement shall not exceed \$20,000. RAFTA is considered a project with matching funds and is eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981.

RAFTA, an office within the Finger Lakes Health Systems Agency, provides planning and support to HIV/AIDS service providers, in its goal to reduce the spread of new HIV/AIDS infections. RAFTA will provide extensive planning and collaboration to assure accessibility to a comprehensive array of high-quality health and support services and activities, in neighborhoods with elevated rates of HIV infection.

These activities will include: health fairs; street outreach; health testing, and peer counseling.

The cost of the agreement will be financed from the General Community Needs allocation of the 2006-2007 Community Development Block Grant. A Project Information sheet is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-90

Ordinance No. 2006-272
(Int. No. 254, As Amended)

Amending The 2006-07 Consolidated Community Development Plan By Transferring Funds And Authorizing An Agreement For The Rochester Area Task Force On AIDS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2006-07 Community Development Program Plan whereby within the General Community Needs allocation, the sum of \$20,000 shall be transferred from the Job Creation/Youth Development account to a new account for the Rochester Area Task Force on AIDS.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Finger Lakes Health Systems Agency to support the Rochester Area Task Force on AIDS (RAFTA).

Section [2] 3. The agreement shall obligate the City to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program.

Section [3] 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [4] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-273
Re: Internet Payments and Charges

Transmitted herewith for your approval is legislation required to comply with Section 5-b of the New York State General Municipal Law governing the receipt of Internet payments by local governments. This legislation was adopted by the State Legislature on May 9, 2003.

The City of Rochester has been receiving internet payments for water payments and parking tickets for the past five years. On March 15, 2006, City Council

authorized the acceptance of internet payments for historical document requests, and donations to the City for the care and maintenance of animals at the Animal Control Center.

The Department of Finance continues to receive requests from City departments for accepting online payments for various transactions. In conformance with section 5-b, this legislation would authorize the Director of Finance to approve all payment type transactions to be received over the internet and determine and approve the transaction fees to be charged. Also pursuant to section 5-b, the legislation authorizes the City Treasurer to receive all payments via the internet.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-91

Councilmember Douglas moved to discharge Int. No. 291 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Councilmember Douglas moved to amend Int. No. 291 by substitution.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2006-273
(Int. No. 291)

Amending The Municipal Code With Respect To Payments Via The Internet

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 8-15 of the Municipal Code, Payments via Internet, as amended, is hereby further amended by adding after the first two sentences thereof the following new sentence:

Civil service applications may also be accepted over the Internet, for which there shall be a service charge of \$1 in addition to the examination fee.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
August 22, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 301 - Local Law Adding The Advantage Machine Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 302 - Authorizing The Sale Of 206-208 Mill Street, As Amended

Int. No. 303 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For Demolition Of The Old Mortimer Street Garage

Int. No. 304 - Amending The Municipal Code With Respect To Fees For Parking Garages

Int. No. 307 - Authorizing Agreements And Application For New York Empire State Development Corporation Grant And Appropriating Funds For Reconstruction Of South Avenue Parking Garage

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6
Re: NYS Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of an additional location of Advantage Machine, LLC, 850 St. Paul Street, to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

A regionally significant project is defined by the New York State Empire Zone Program as: A manufacturing company projecting 50 or more new jobs within an Empire Zone. Such designations can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage of the traditional Empire Zone definitions.

Advantage Machine leases 35,000 square feet at its 850 St. Paul location, which was designated as an Empire Zone business in December 2005. The company is currently in negotiation with Gleason Works for a ten-year lease of 70,000 square feet with an option for an additional 50,000 square feet of space as the need develops. The Gleason Works facility at 1000 University Avenue is not located within the boundaries of the EZ.

Advantage Machine was formed in 2000 to acquire the assets of a bankrupt machine shop and currently produces products for six industries: machine tool, aerospace, health care, oil service, railroad and automotive manufacturers. Advantage Machine's operations are 100% manufacturing with fifty employees, most of whom are machine operators. They also employ engineers, quality control technicians and customer care personnel.

The company projects creating 325 new jobs over the next five years, with 90% in direct manufacturing or manufacturing support areas such as engineering and quality assurance. To achieve this, Advantage Machine will invest a total of \$6 million - \$4 million in equipment, and \$2 million in facilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 6
(Int. No. 301)

Local Law Adding The Advantage Machine Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Advantage Machine is proposing an expansion at the Gleason Works facility in the City of Rochester; and

WHEREAS, this expansion will add 325 jobs that support Advantage Machine's on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Advantage Machine's manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described as follows: 1000 University Avenue, SBL No. 122.210-0001-002.001/0000.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-274
Re: 206-208 Mill Street Redevelopment

Transmitted herewith for your approval is legislation authorizing the sale of City-owned property located at 206-208 Mill Street to a company to be formed by Ben Kendig, for one dollar, for the purpose of com-

pleting urgent structural repairs to the building and for the subsequent redevelopment of the property into a mixed-use building with surface parking.

The properties comprise an approximately .25 acre development site within the High Falls District. The purchase price is based on the appraised value of \$100,000 minus the estimated cost of \$113,000 for required structural repairs, as documented in a report from Jensen Engineering, P.C. The sale is subject to finance commitments.

The building has been vacant for years and has significant structural deterioration, especially on the southeast corner. Temporary shoring of the southeast corner was recently completed by the City. In order to prevent further deterioration, there is an urgent need for permanent repairs to be completed as soon as possible. To this end, immediately following acquisition of the property through foreclosure, the City issued an RFP for its purchase and redevelopment.

Upon the sale of the property, required repairs based on findings and recommendations in the Jensen Engineering report will be immediately completed. Subsequent redevelopment of the first floor of the building will be subject to the City's Site Plan Approval process and SEQR, and is expected to be completed by Summer 2007. The remaining four floors will be redeveloped in phases as tenants are secured.

Environmental investigations are currently being completed by the City.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale is a Type II action due to the urgent nature of the required structural repairs for purposes of public safety and is therefore not subject to SEQR.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-93

Ordinance No. 2006-274
(Int. No. 302, As Amended)

Authorizing The Sale Of 206-208 Mill Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 206-208 Mill Street, SBL #106.7-1-16 & 17, to a company to be formed by Ben Kendig, for the sum of \$1.00, in order to make urgent structural repairs and for redevelopment. The Council hereby further approves that the existing City loan to High Falls Development Corporation secured by a lien on the property at 4-18 Commercial Street may be subordinated to a lien of a senior lender provided the following conditions are met:

- 1) a portion of the proceeds from the senior loan shall be used for renovation of the property at 206-208 Mill Street;
- 2) the maximum loan-to-value for both the senior loan and the existing City loan shall not exceed 80% of the value of the property at 4-18 Commercial Street;

3) Ben Kendig shall provide a personal guarantee of the City's existing loan; and

4) subordination of the loan shall be approved by the Commissioner of Economic Development upon completion of a full underwriting review.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-275
Re: Professional Services Agreement -
Design Services for Old Mortimer
Street Garage Demolition

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Passero Associates, 100 Liberty Pole Way, Rochester, for design services related to the demolition of the Old Mortimer Street Garage. The amount of this amendatory agreement will not exceed \$33,160 and will be funded from 2005-06 Cash Capital.

This agreement will amend an existing \$10,000 contract, bringing the total cost of the professional services agreement to \$43,160.

The Mortimer St. Garage was opened in 1955 and has been out of service since December 2000 due to its structural condition. As a result, the garage has been targeted for demolition. Passero's design services will involve the preparation of demolition bid documents for the garage, including a cost estimate, and additional services during the bid phase, including the pre-bid meeting with potential contractors to explain the project's requirements.

The design phase is expected to be completed in August, with the bid process completed in September. Demolition will begin thereafter and is expected to be completed during the Winter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-275
(Int. No. 303)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For Demolition Of The Old Mortimer Street Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$33,160, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Passero Associates for design services related to the demolition of the Old Mortimer Street Garage. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

tion of the Old Mortimer Street Garage. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-276
Re: Municipal Code Amendment -
Municipal Parking Garages

Transmitted herewith for your approval is legislation amending the Municipal Code with respect to parking rates for the High Falls Garage and South Avenue Garage. This legislation will:

1. Reduce monthly parking fees to eligible City employees as follows:

The City recently executed a new collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME). This agreement provides for reduced monthly parking fees at the High Falls Garage and the South Avenue Garage for AFSCME employees whose duty assignments are within the central business district.

For monthly passes, the rate at the High Falls Garage will be reduced from \$59 to \$39, and at South Avenue Garage the rate will be reduced from \$75 to \$55.

The maximum number of reduced-fee passes for AFSCME employees will be 200 at the High Falls Garage and 100 at the South Avenue Garage. An additional 100 passes will be available at the High Falls Garage for confidential and Administrative, Professional and Technical employees who work in the central business district. The reduced-fee passes will be available on a first-come, first-served basis and only if spaces are not required for regular passes.

The reduced-fee passes will result in a loss of revenue only to the extent that an eligible employee already parks in one of the garages and has a regular parking pass. To the extent that additional employees park in the garages, the passes will result in an increase in revenue for both garages.

The new rates will take effect on September 1, 2006 at the High Falls Garage, and January 1, 2007 at the South Avenue Garage.

2. Establish a premium monthly fee for reserved parking on the first level of the High Falls Garage as follows:

In order to meet the demand for reserved parking at the High Falls Garage, as well as the needs of businesses in the High Falls District, a reserved parking area will be created on the first level of the garage. The 56 spaces on the first level would be established as reserved parking.

served parking. The monthly rate would be \$100, and the premium-fee passes will be available on a first-come, first-served basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-276
(Int. No. 304)

Amending The Municipal Code With Respect To Fees For Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended, is hereby further amended as follows:

- a. Subsection A(6)(c), relating to the monthly rate for the High Falls Garage, as amended, is hereby further amended to read in its entirety as follows:
- (c) High Falls Garage: \$59 for parking in the general area and \$100 for parking in the reserved area.
- b. Subsection A(6)(h), relating to special monthly rates in certain garages, as amended, is hereby further amended to read in its entirety as follows:
- (h) The Municipal Parking Coordinator is hereby authorized to designate portions of the Court Street Garage for rooftop parking, general parking, premium parking and reserved parking; portions of the Washington Square Garage for rooftop parking, general parking and premium parking; portions of the High Falls Garage for general parking and reserved parking; and portions of the Sister Cities Garage for general parking and premium parking, as a part of the variable monthly parking initiative. The Municipal Parking Coordinator is further authorized to establish rules and regulations to provide for monthly parking by authorized City employees in the High Falls Garage for \$39 and in the South Avenue Garage for \$55.

Section 2. This ordinance shall take effect on September 1, 2006, provided that the special rate for monthly parking by authorized City employees in the South Avenue Garage shall take effect on January 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-277
Re: South Avenue Garage

Transmitted herewith for your approval is legislation relating to the South Avenue Parking Garage Project. This legislation will:

1. Authorize an agreement with the New York Empire State Development Corporation for ap-

plication for an \$8,000,000 grant to fund the reconstruction costs of the South Avenue Parking Garage; and,

2. Appropriate \$255,000 in Community Enhancement Facilities Assistance Program funds and amend the 2006-07 Cash Capital Allocation by this amount.

Budget legislation passed by the New York State Legislature and signed by the Governor on June 23, 2006, Chapter 108 of the Laws of 2006, included \$8,000,000 for the South Avenue Parking Garage. Authorization is sought for the Mayor to submit an application for these funds and to enter into necessary agreements with the New York Empire State Development Corporation for reconstruction costs at the South Avenue Parking Garage. Appropriation of the funds will be sought from City Council when we receive notification of the award.

The receipt and use of \$4,200,000 in a Community Enhancement Facilities Assistance Program (CEFAP) grant was authorized on June 24, 2006 by City Council, Ordinance 2006-209. The ordinance appropriated \$3,945,000 of that amount by increasing 2005-06 revenue estimates and appropriations to the Cash Capital Allocation for the amount anticipated to be spent through June 30, 2006. The balance of \$255,000, for 2006-07 expenses, was not appropriated at that time.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-277
(Int. No. 307)

Authorizing Agreements And Application For New York Empire State Development Corporation Grant And Appropriating Funds For Reconstruction Of South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into necessary agreements with the New York Empire State Development Corporation for the reconstruction of the South Avenue Parking Garage.

Section 2. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$255,000, or so much thereof as may be necessary, is hereby appropriated from the Community Enhancement Facilities Assistance Program (CEFAP) Grant funds to fund the reconstruction of the South Avenue Parking Garage. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$255,000, which amount shall be funded from this appropriation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:49 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
SEPTEMBER 19, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago - 8.

Absent - Councilmember Stevenson - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DRYS

*Judith Davis

*Keith C. LaVare

DCD

*Kathleen A. Alessi

DES

*Thomas Bergin

*William Cruz

*James L. McFadden

*George H. Stam

Library

*Elizabeth G. Wollever

RPD

*William J. Bartell Jr.

*William H. Douglas

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of August 22, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3854-7

The Director of Zoning Submits Notice of Environmental Determination 3855-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None received.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The Official Map By Abandonment Of A Portion Of Driving Park Avenue From Ridgeway

Avenue To Its South End Int. No. 312 No Speakers.

Amending The Official Map By Abandonment Of A Portion Of Dryer Alley Between Anson Place And Ryan Alley And Renaming The Remaining Portions Of Dryer Alley As Anson Place And Ryan Alley Int. No. 313 No Speakers.

Changing The Traffic Flow Of The Portion Of Dryer Alley Between Anson Place And South Union Street, Being Renamed As Anson Place, From One-Way Eastbound To One-Way Westbound Int. No. 314 No Speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan, As Amended Int. No. 281 1 Speaker, Carlos Carballada.

Approving An Increase In The Pavement Width Of Carter Street At The Entrance To The Rochester General Hospital Int. No. 319 1 Speaker, Judy Gordon.

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption Int. No. 330 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 19, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 310 - Authorizing The Sale Of Real Estate

Int. No. 311 - Authorizing Acceptance Of A Grant For CUSP Funds, Appropriating Funds And Authorizing Agreements, As Amended

Int. No. 340 - Resolution Renaming The Sister Cities Bridge

Int. No. 341 - Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 312 - Amending The Official Map By Abandonment Of A Portion Of Driving Park Avenue From Ridgeway Avenue To Its South End

Int. No. 313 - Amending The Official Map By Abandonment Of A Portion Of Dryer Alley Between Anson Place And Ryan Alley And Renaming The Remaining Portions Of Dryer Alley As Anson Place And Ryan Alley

Int. No. 314 - Changing The Traffic Flow Of The Portion Of Dryer Alley Between Anson Place And South Union Street, Being Renamed As Anson Place, From One-Way Eastbound To One-Way Westbound

Int. No. 342 - Determination And Findings Relat-

ing To The Acquisition Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

Int. No. 281 - Authorizing The Acquisition By Negotiation Or Condemnation Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan, As Amended

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-278
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 76 properties. Staff has audited City records to ensure that purchasers other than those of unbuildable vacant land do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 55 properties are structures that were sold at the May 10-11, 2006 Public Auction. Purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of closing.

The next four properties are vacant lots that were sold at the May 10, 2006 Public Auction. All four properties were purchased by the adjoining owners who will be required to combine the parcels with their adjoining properties.

The next two properties are structures that were sold at the May 10, 2006 Public Auction, subject to the acceptance of a development proposal. The property located at 250-252 Columbia Avenue will be rehabilitated as a two family structure. The property located at 1210-1212 Dewey Avenue will be rehabilitated as a four unit structure.

The next two properties are mixed use structures that were sold through the April 17, 2006 Request for Proposal Sale for their appraised value. The property located at 709-719 S. Plymouth Avenue will be developed as two apartments, a café and a parking lot. The property located at 70-74 Thurston Road will be developed as two commercial/office units and three apartments.

The next two properties are vacant lots that are being sold to the adjoining property owners. The purchasers will combine the parcel with their adjoining properties.

The next two properties are structures that were sold for their appraised values through negotiated sales. The property located at 237 Garfield Street is being sold to RHDfC and will be rehabilitated as a single family structure that will subsequently be sold to an owner occupant with a household income not to exceed 80% of the median income level for the Rochester, NY statistical area. The property located at 480-

492 Joseph Avenue is being sold to the current tenant who proposes to maintain the property as a grocery store, parking area and accessory building.

The last nine properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-95

Ordinance No. 278
(Int. No. 310)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

| Address | Lot Size | Price |
|------------------|--------------|--------------------------|
| S.B.L.# | Legal Use | Purchaser |
| 86 Ackerman St | 40x100 | \$21,000 |
| 107.54-1-54 | 2 Family | Frank Warner |
| 66 Aldine St | 40x145 | 11,000 |
| 120.66-3-52 | 1 Family | Frank Warner |
| 147 Alphonse St | 49x144 | 3,500 |
| 106.33-1-79 | 1 Family | T.C. Smith |
| 98-100 Avenue A | 60x40 | 19,000 |
| 106.21-1-47 | 2 Family | Troy Douglas |
| 107 Avenue A | 35x70 | 8,500 |
| 106.21-1-24 | 2 Family | St. Christophi Acer |
| 326 Avenue A | 40x174 | 9,000 |
| 106.22-2-34 | 2 Family | Angel N. Minyety |
| 139 Avenue C | 44x120 | 8,500 |
| 106.21-2-3 | 1 Family | Dianne Webb |
| 406-408 Avenue D | 41x119 | 11,500 |
| 091.78-3-54 | 2 Family | Nikko Wu |
| 650 Avenue D | 40x66 | 5,000 |
| 091.80-1-77 | 1 Family | Ray Park Churcher,IV |
| 45 Bartlett St | 37x173 | 8,000 |
| 121.61-2-11 | 1 Family | Robert Ray Donald |
| 116 Bartlett St | 29x141 | 2,200 |
| 120.68-1-74 | 1 Family | Emmanuel Pierre Louis |
| 673 Bay St | 34x106 | 6,500 |
| 107.45-1-21 | 1 Family | Nikko Wu |
| 7 Borchard St | 35x179 | 5,500 |
| 091.70-3-30 | 1 Family | Ray Park Churcher,IV |
| 3 Boston St | 34x97 | 3,500 |
| 106.31-2-3 | 1 Family | Joseph A. Bournival |
| 7 Bradford St | 34x125 | 8,000 |
| 091.80-4-26 | 1 Family | Julio C. Pimentel |
| 260 Breck St | 35x138 | 4,500 |
| 107.78-1-15 | 1 Family | Vernon T. Pearson |

| | | |
|---|--------------------|--|
| 629-635 Brown St 120.35-3-72 &73 | 68x105 | 8,000 |
| 56 Carter St 106.26-2-30 | 2 Family 30x100 | Jessie McIntyre 10,500 |
| 32 Centennial St 120.25-3-30 | 1 Family 40x85 | McNairProperties, LLC* 8,000 |
| 81 Clifford Av 106.29-4-48 | 2 Family 35x134 | Vernell Simon 4,600 |
| 535 Columbia Av 120.66-2-39 | 1 Family 42x109 | Rudolph Brumfield & Rosina Ingram 22,000 |
| 29 Council St 106.42-2-4 | 1 Family 41x177 | Connie Whitney 7,500 |
| 33 Dale St 106.23-2-5 | 1 Family 37x98 | Tiara Bonner 4,000 |
| 66 Dale St 091.79-4-56 | 1 Family 36x98 | Antwain Weston 5,000 |
| 20 DeJonge St 106.31-2-27 | 1 Family 36x106 | Niticia L. Edwards 6,500 |
| 34-36 Durgin St 106.37-2-5&4 | 1 Family 60x104 | Muhammed Ceasay 3,700 |
| 11 Earl St 120.84-1-56 | 1 Family 29x80 | Luis A. Tejeda 7,100 |
| 133 Electric Av 090.58-1-12 | 1 Family 50x119 | Jessie Lyn Gayden 28,000 |
| 94 Evergreen St 106.30-3-70 | 1 Family 41x136 | Luis Davila 5,200 |
| 71 Farbridge St 091.79-2-25 | 1 Family 35x116 | Muhammed Ceasay 13,100 |
| 286 Flint St 120.76-1-39.1 | 1 Family 71x100 | Emmanuel Nwankwo 6,700 |
| 328 Flint St 120.76-1-47 | 1 Family 41x100 | Lawrence O. Kalagbor 7,300 |
| 119 Flower St 106.30-4-33 | 2 Family 32x145 | Sheron Smith 6,200 |
| 346 Fourth St 106.51-3-9 | 1 Family 40x120 | Antonio Colon 6,000 |
| 225 Frost Av 120.68-2-15 | 1 Family 33x141 | Angela Monson 10,500 |
| 23 Geneva St 091.62-2-36 | 1 Family 36x108 | Ana A. Ogendo 8,500 |
| 699 Goodman St N. 106.60-2-28 | 1 Family 41x61 | Nakondo Kamagate 9,000 |
| 462 Hayward Av 106.78-3-24 | 1 Family 40x131 | Francis K. Miller 10,000 |
| 544 Jay St 105.82-2-22 | 1 Family 53x165 | Kevin J. Myhand 7,500 |
| 721 Jay St 105.82-3-22 | 1 Family 41x111 | Joseph Farruilo 6,000 |
| 876 Jefferson Av 120.84-1-44 | 1 Family 41x100 | Joseph Farruilo 4,500 |
| 5 Lang St 091.70-3-7 | 1 Family 66x141 | Lance Robinson 9,300 |
| 51 Locust St 105.42-1-30 | 1 Family 40x118 | Yesenia M. Cruz 8,500 |
| 26 Mark St 106.41-2-9 | 1 Family 38x128 | David E. West 5,000 |
| 13-17 Miller St 106.42-2-19, 18&17 | 1 Family 92x102 | Kabongo & Petronelle Kasongo 7,500 |
| 16 Pardee St 091.79-2-6 | 1 Family 36x100 | Francis K. Miller 1,500 |
| 21 Peck St 106.68-1-32 | 1 Family 40x125 | Rodney Reliford 13,000 |
| 301-303 Reynolds St 120.76-1-28 &29 | 2 Family 56x192 | Socorro C. Curiel 7,500 |
| 165 Rosewood Ter 107.54-1-16 | 1 Family 40x100 | Emma Metcalf 19,000 |
| 56 Sawyer St 135.27-1-75 | 1 Family 36x133 | Frank Warner 6,000 |
| | 1 Family | Vernon T. Pearson |

| | | |
|---------------------------------------|--------------------|------------------------------------|
| 45 Walnut St 105.83-3-12 | 49x50 | 8,000 |
| 90 Walnut St 105.75-2-32 | 1 Family 32x37 | Eliezer Cruz, III 6,100 |
| 129-131 Weld St 106.74-1-56 &55 | 1 Family 66x130 | Milla Austin 10,000 |
| 48 West High Ter 120.82-4-33 | 1 Family 40x108 | Emmanuel Pierre Louis 30,000 |
| 31 Winterroth St 107.37-1-26 | 1 Family 33x125 | Companas LLC** 18,000 |
| | 1 Family | Diana Coluzzi |

*Officers: Kellie R. McNair, Janson D. McNair

**Officer: Colin B. Macleod

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal at regular auction:

| Address S.B.L.# | Lot Size Purchaser | Price |
|--------------------------------|------------------------------------|-------|
| 894-902 Bay St 107.38-3-33 | 69x118 Marion J. Hunte-Robinson | \$50 |
| 1073 Hudson Av 091.73-1-9.1 | 33x110 Lisa Santos | 50 |
| 6 Miller St 106.42-3-35 | 41x130 Souvan Naphone | 50 |
| 216 Sherman St 105.58-2-3 | 40x120 Emma Metcalf | 50 |

Section 3. The Council hereby further approves the sale of the following parcels of improved property with proposal at regular auction:

| Address S.B.L.# | Lot Size Purchaser | Price |
|------------------------------------|---------------------------------|----------|
| 250-252 Columbia Av 120.68-3-41 | 40x176 Emmanuel Pierre Louis | \$ 4,000 |
| 1210-1212 Dewey Av 090.58-3-46 | 50x147 Emmanuel Nwankwo | 65,000 |

Section 4. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

| Address S.B.L.# | Lot Size Purchaser | Price |
|--|---------------------------|----------|
| 709-719 Plymouth Av S. 121.61-2-56,57&58 | Appx 91x95 John Wright | \$ 5,000 |
| 70-74 Thurston Rd 120.64-2-86.1 | 47x135 Robert Napier | 20,000 |

Section 5. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

| Address S.B.L.# | Lot Size Purchaser | Price |
|------------------------------|--------------------------|-------|
| 421 Conkey Av 091.77-1-22 | 40x120 Vivian Hill | \$100 |
| 93 Requa St 091.54-1-8 | 45x147 John E. Chapin | 250 |

Section 6. The Council hereby further approves the negotiated sale of the following parcels of improved property with proposal:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Price</u> |
|--|---|--------------|
| 237 Garfield St 120.55-2-62 | 40x127 Rochester Housing Dev Fund Corp* | \$16,000 |
| 480-492 Joseph Av 106.39-3-26,25&24 | Appx 127x120 Najib Y. Taha & Mohamad Daes | 18,000 |

*Officers: Scott Schmidt, Robert Barrows,
Kevin Recchia

Section 7. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| <u>Address</u> <u>S.B.L.#</u> | <u>Lot Size</u> <u>Purchaser</u> | <u>Square Feet</u> |
|---|--|--------------------|
| 446 Campbell St 120.29-1-7 | 33x78 Ronald & Claudette Lazarus | 2602+/- |
| 432 Champlain St 120.59-2-54 | 33x158 Linda L. Moore | 5223+/- |
| EH 494-496 Columbia Av Pt of 120.67-3-65 | 18.5x100 Cora L. Young | 1850 |
| WH 494-496 Columbia Av Pt of 120.67-3-65 | 18.5x100 Duane & Lauren Kay Jennings | 1850 |
| EH 50 Hazelwood Ter Pt of 107.53-2-29 | 15x130 Gary Nemi | 1962+/- |
| WH 50 Hazelwood Ter Pt of 107.53-2-29 | 15x130 Michael J. Palencar | 1962+/- |
| 227 Hebard St 106.50-2-18.3 | 55x93 Roberto S. Maldonado | 2996+/- |
| 667 Plymouth Av S. 121.61-2-26 | 30x68 Halim M. Saeed | 2266+/- |
| 749-753 Seward St 135.27-3-19.2 | 51x81 Rochester Real Property Partners, LLC* | 3464+/- |

*Officer: Eric Lawson

Section 8. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 9. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-279
Re: Cities United for Science
Progress/Dupont Award

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$104,500 grant from Cities United for Science Progress/DuPont (CUSP), through the U.S. Conference of Mayors. These funds will be used to reimburse property owners for costs associated with complying with the City's Lead Poisoning Prevention Ordinance.

The City applied for this grant in April 2005, through the USCOM Lead Safe for Kids Sake program.

The City requires owners of certain properties that

fail a dust wipe test to produce a third-party private clearance examination. CUSP funds will be used to reimburse owners for a portion of this cost. Eligible property owners will be those who own no more than four residential properties and are not registered as a limited liability company or corporation. Property owners may be reimbursed up to \$100 for up to four properties, not to exceed a maximum of \$300.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-279
(Int. No. 311, As Amended)

Authorizing Acceptance Of A Grant For CUSP Funds, Appropriating Funds And Authorizing Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of a Cities United for Science Progress/DuPont (CUSP) grant in the amount of \$104,500 from the U.S. Conference of Mayors to be used to reimburse property owners for costs associated with complying with the City's Lead Poisoning Prevention Ordinance. Said amount is hereby appropriated for this purpose. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement this program. The agreements shall contain such terms and conditions as the Mayor or his designee deems to be appropriate.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-30
Re: Renaming the Sister Cities
Bridge at Crossroads Park

Transmitted herewith for your approval is a resolution authorizing re-naming the Sister Cities Bridge as the "Frank and Janet Lamb Sister Cities Bridge" in recognition of the importance of the Sister Cities program to our community and the decades of vigorous guidance and support provided by former Mayor Frank T. Lamb and his wife Janet.

Mayor Lamb served the Rochester community with distinction for many years. He was first elected to City Council in 1957, and was selected by the Council as Rochester's 61st mayor, a position he held from 1964 through 1970. After his terms as Mayor were completed, he continued his service on Council through 1977.

Early in his City Hall career, Lamb was recruited to participate in a private citizen diplomacy program promoted by President Dwight D. Eisenhower. The program was to foster international understanding and to contribute to world peace through people-to-people partnerships. The Town Affiliation Association, of which Mayor Lamb was an officer, grew into Sister Cities International. Mayor Lamb served on its incorporating Board of Directors in 1967 and, after re-

tiement from City Hall, continued to serve on its Honorary Board. Sister Cities International today represents more than 2600 cities in 126 nations.

Frank and Janet Lamb were active supporters of Rochester's first sister city connection with Rennes, France. They sponsored a Sister Cities tour in July of 1965, visiting Rennes, and our second and third sister cities, Wurzbug, Germany, and Caltanissetta, Italy. Mayor Lamb led the effort to incorporate International Sister Cities of Rochester and served as trustee and president. During his tenure on City Council, the cities of Rehovot, Israel, Krakow, Poland, and Bamako, Mali were added.

Mayor Lamb's efforts resulted in Rochester hosting the 1975 Annual Conference of Sister Cities International. And, through resolution 75-65, adopted unanimously by City Council, the Genesee Crossroads Bridge was renamed the Sister Cities Bridge.

The Lambs continued to support the Rochester and national programs as participants and advisors. During retirement, they took active roles in the Sister Cities program of Tempe, Arizona. Frank last attended the annual International Sister Cities of Rochester reception at City Hall on October 20, 2005, shortly after Janet's death and two months before his own death.

Today Rochester has ten Sister Cities, having added: Waterford, Ireland; Velikiy Novgorod, Russia; Hamamatsu, Japan; and Puerto Plata, Dominican Republic. Nearly 1000 volunteers throughout the Greater Rochester region participate in International Sister Cities of Rochester.

In recognition of the Lambs' long service to and support of the Sister Cities organization, we propose that the Sister Cities Bridge be renamed the Frank and Janet Lamb Sister Cities Bridge. This would be an appropriate acknowledgment of the City's deep appreciation for the decades of leadership and involvement the Lambs contributed.

City Council approval of the resolution will allow rededication of the bridge during the Annual Reception of the International Sister Cities of Rochester, Inc. on October 12, 2006.

Respectfully submitted,
Robert J. Duffy Lois J. Giess
Mayor President

Resolution No. 2006-30
(Int. No. 340)

Resolution Renaming The Sister Cities Bridge

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the renaming of the Sister Cities Bridge as the "Frank and Janet Lamb Sister Cities Bridge".

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-280
Re: Restore NY Communities Initiative

Transmitted herewith for your approval is legislation authorizing an application to and an agreement with the Empire State Development Corporation (ESDC) for the receipt and use of a grant of \$5 million through the Restore NY Communities Initiative Program.

Restore NY will provide financial assistance to municipalities for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial buildings within their control.

The City is proposing to undertake either demolition, rehabilitation, or reconstruction on the sites identified on the attached Property Assessment List. All properties are currently City-owned. The components of the application are:

1. The demolition of 300, 304-308, 320 Andrews St. and 24 Evans Street, site of the former Greyhound Bus terminal garage. \$425,000 is being requested from the ESDC for demolition and asbestos abatement. New residential uses are being planned for the site;
2. The redevelopment of Charlotte Street. \$300,000 is requested to offset the related costs of geotechnical issues on the site;
3. The rehabilitation of 206-208 Mill Street, a vacant, 5-story historic building, which is to be sold to a private developer for redevelopment as a mixed-use facility. \$500,000 will be used to offset renovation costs;
4. The rehabilitation of 250 South Avenue, a 3-story brick structure and the former Natatorium Building, as a mixed-use structure to include market-rate housing and commercial space. \$300,000 will be used to offset renovation costs;
5. The rehabilitation of 96 and 144 Chili Avenue. 96 Chili Ave will be renovated as four housing units; \$100,000 is being requested to offset costs of conversion. 144 Chili Avenue will be rehabilitated and deconverted to provide two housing units; \$100,000 is being requested; and
6. The demolition of 242 residential and commercial structures. These structures have been assessed for possible re-use and demolition is recommended. The cleared sites will be evaluated for new construction projects. \$3.175 million is requested.

In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- The proposed projects are consistent with: Rochester 2010: The Renaissance Plan; the City's Consolidated Community Development Plan; and the Center City Master Plan;
- The proposed financing is appropriate for the identified projects; and
- The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.

A required public hearing on the application will be held on September 11, 2006; any comments will be forwarded to Council.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-96

Ordinance No. 2006-280
(Int. No. 341)

Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Empire State Development Corporation for funding under the Restore NY Communities Initiative Program for the demolition, rehabilitation or reconstruction of City properties.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-281
Re: Official Map Amendment - Abandonment
of a Portion of Driving Park Avenue

Transmitted herewith for your approval is legislation amending the Official Map by abandoning the dead-end portion of Driving Park Avenue to a point approximately 450 feet south of the south property line of Ridgeway Avenue, between 1151 and 1195 Ridgeway Avenue. The easterly half of the 50 feet right-of-way will revert to AMF Bowling Centers, owners of 1151 Ridgeway Avenue; and the westerly half will revert to 1195 Ridgeway Avenue, LLC, owner of 1195 Ridgeway Avenue.

The amendment is requested by Andrew Prestigiacomo, owner of 1195 Ridgeway Avenue. Mr. Prestigiacomo has requested this amendment in conjunction with a redevelopment project to provide warehousing and storage at 1195 Ridgeway Avenue, a permitted use in the zoning district.

The 1.2 acre parcel is located in the Mt. Read Emerson Urban Renewal district and is zoned M-1. The proposal is to subdivide the property at 1195 Ridgeway Avenue into two parcels. Currently there are two buildings on the property - an office building and a large warehouse. The office building and the front portion of the warehouse will remain as 1195 Ridgeway Avenue. The rear parcel will be known as 1205 Ridgeway Avenue and will be redeveloped for warehousing and storage.

The Planning Commission held an informational meeting on July 21, 2006. Andrew Prestigiacomo, presented the application. By a vote of 4-0, the Com-

mission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-97

Ordinance No. 2006-281
(Int. No. 312)

Amending The Official Map By Abandonment Of A Portion Of Driving Park Avenue From Ridgeway Avenue To Its South End

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Driving Park Avenue from Ridgeway Avenue to its south end:

Commencing on the south right-of-way of Ridgeway Avenue, said point being the boundary line of the City of Rochester and the Town of Greece at its intersection with said Ridgeway Avenue right-of-way, thence; along said south right-of-way a distance of 676.48 feet to the corner of said south right-of-way and the west corner of Driving Park Avenue right of way, said point being the point and place of beginning, thence;

1. Southerly a distance of 450.00 feet to the southwest corner of Driving Park Avenue, thence;
2. Easterly and forming an interior angle of 90°-36'-44" a distance of 50.00 feet to the southeast corner of said right-of-way, thence;
3. Northerly and forming an interior angle of 89°-23'-16" a distance of 450.00 feet to the northeast corner of said right-of-way, thence;
4. Westerly and forming an interior angle of 90°-37'-15" a distance of 50.00 feet to the northwest corner of said right-of-way, said point being the point and place of beginning. Course 4 having an interior angle of 89°-22'-45" with course 1.

Containing 22,499.17 sq. ft.

Subject to any and all easements, covenants and restrictions an updated abstract of title may show.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of July 21, 2006.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-282 And
Ordinance No. 2006-283
Re: Official Map Amendment - Abandonment
of a Portion of Dryer Alley

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of Dryer Alley between Anson Place and Ryan Alley for a distance of approximately 146 feet. This abandonment, proposed by Flower City Management, owners of the Medical Arts Building (277 Alexander Street), will result in the incorporation of the area into their existing parking lots on either side of Dryer Alley.

In addition to the abandonment request, the direction of traffic on Dryer Alley between S. Union Street and Anson Place will be changed from one-way eastbound, to one-way westbound toward S. Union Street. The direction change is required to allow continuous traffic flow for southbound traffic on Anson Place and was endorsed by the Traffic Control Board on July 18, 2006.

The 15 foot wide portion of right-of-way is an easement street in the Center City Downtown - East End District. The purpose of the abandonment is to eliminate cut-through traffic between S. Union Street and Alexander Street. Affected property owners have consented to the abandonment.

The Planning Commission held an informational meeting on August 14, 2006. John Billone, Jr. representing Flower City Management, presented the application. By a vote of 6-0-1, the Commission recommended approval subject to a number of conditions recommended by the City Engineer. The City Planning Commission is further expected to approve the name changes recommended in the Engineer's report at their September 18, 2006 meeting. The remaining portions of Dryer Alley will be renamed as Anson Place and Ryan Alley.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-98

Ordinance No. 2006-282
(Int. No. 313)

**Amending The Official Map By Abandonment
Of A Portion Of Dryer Alley Between Anson Place
And Ryan Alley And Renaming The Remaining
Portions Of Dryer Alley As Anson Place And Ryan
Alley**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to

street purposes and constituting a portion of Dryer Alley between Anson Place and Ryan Alley:

All that tract or parcel of land, situated in the City of Rochester, County of Monroe, and State of New York and being more particularly described as follows:

Beginning on the Westerly right of way of Ryan Alley, (16' row), with its intersection with the Northerly right-of-way of Dryer Alley, (15' row); thence,

1. Southerly, along the projection of the Westerly right-of-way of Dryer Alley, a distance of 15.00 feet to a point; thence,
2. Westerly, along the Southerly right of way of Dryer Alley, forming an angle to the left with course no. 1 of 90°00'46", a distance of 145.98 feet to a point; thence,
3. Northerly, forming an angle to the left with course no. 2 of 90°00'00", a distance of 15.00 feet to a point on the Northerly right of way of Dryer Alley; thence,
4. Easterly, along the Northerly right of way of Dryer Alley, forming an angle to the left of 90°00'00", a distance of 145.98 feet to the point of beginning, encompassing 2189.7 square feet, more or less. Course no. 4 and course no. 1 form an interior angle of 89°59'14".

All as shown on attached map prepared by Passero Associates, entitled "Abandonment Map".

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of August 14, 2006.

Section 3. Upon abandonment, Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming that portion of Dryer Alley west of Anson Place as Anson Place, and by renaming that portion of Dryer Alley east of Ryan Alley as Ryan Alley.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-283
(Int. No. 314)

**Changing The Traffic Flow Of The Portion Of
Dryer Alley Between Anson Place And South Union
Street, Being Renamed As Anson Place, From One-
Way Eastbound To One-Way Westbound**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in the traffic flow of Dryer Alley between Anson Place and South Union Street, which is being renamed as Anson Place, from one-way eastbound to one-way westbound.

Section 2. This ordinance shall take effect upon the effective date of the abandonment of a portion of

Dryer Alley between Anson Place and Ryan Alley.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-284 And
Ordinance No. 2006-285
Re: La Marketa Development Project

Transmitted herewith for your approval is legislation making the determination and findings related to the acquisition of property at 804-806 North Clinton Avenue, and amending Introductory 281, currently held in the Housing & Community Development Committee. The amendment establishes the maximum cost of acquisition, including closing and relocation costs, at \$88,000, to be funded from the 2004-05 Cash Capital Allocation.

The property to be acquired is near the site of the planned La Marketa Development Project. These determination and findings are required by Article 2 of the Eminent Domain Procedure law. The legislation providing for the acquisition of the property, Introductory 281, was submitted for the August Council cycle; a public hearing was held at the August 22, 2006 Council meeting. There were no speakers at the hearing. The Administration inadvertently neglected to provide a statement at the hearing. Such a statement was subsequently submitted to the President of City Council on September 1, 2006. The statement will also be presented at the Public Hearing to be held on September 19, 2006.

Based on that statement, the following determination and findings are proposed:

1. Project description - that the acquisition include the specified property at 804-806 North Clinton Avenue.
2. Project purpose - that the acquisition will eliminate blighted structures and permit the subsequent redevelopment of the properties in a manner that will complete the planned La Marketa Development Project and enhance the City's tax base.
3. Project effect - that the acquisition and subsequent redevelopment of the properties will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-284
(Int. No. 342)

Determination And Findings Relating To The Acquisition Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

WHEREAS, the City of Rochester proposes to acquire 804-806 North Clinton Avenue, SBL #106.39-1-76 (reputed owners: Alan and Tommy Lin) to implement the La Marketa North Clinton Avenue Urban Renewal Plan, and

WHEREAS, the Council of the City of Rochester

held a public hearing on August 22, 2006 and September 19, 2006 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this property,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of 804-806 North Clinton Avenue:

(a) Public benefit/purpose:

The La Marketa Project is located along the east side of North Clinton Avenue between Sullivan Street and Hoeltzer Street. The acquisition of 804-806 North Clinton Avenue is necessary for the development of the La Marketa Project.

The project consists of an approximately 20,000 square foot commercial retail center and parking. The commercial retail center will act as a catalyst for the subsequent redevelopment of the North Clinton Avenue corridor between the Upper Falls Shopping Center and Hickey-Freeman Company.

The acquisition of 804-806 North Clinton Avenue will allow for the following:

1. The redevelopment of vacant and underutilized parcels.
2. Mitigation of the deteriorated conditions of the neighborhood.
3. The creation of job opportunities.
4. The economic vitality of the neighborhood.

(b) Project effect:

The land assembly and subsequent redevelopment of the property at 804-806 North Clinton Avenue, as well as the adjacent City-owned land, will enhance the neighborhood and increase jobs and investment within the City. The project will have no adverse environmental impacts. The environmental review process has resulted in a Negative Declaration issued by the Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-285
(Int. No. 281, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of 804-806 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 804-806 North Clinton Avenue, SBL #106.39-1-76, from the current owners Alan and Tommy Lin, to implement the La Marketa North Clinton Avenue Urban Renewal Plan.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$[62,000] 88,000 in acquisition, closing and relocation costs, and said amount, or so much thereof as may be necessary, [and necessary closing costs,] shall be funded from the [2006-07] 2004-05 Cash Capital Allocation.

Section 3. In the event said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Stevenson
September 19, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 315 - Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

Int. No. 316 - Authorizing An Agreement For The Lease Of Space For The Downtown Street Maintenance Division

Int. No. 317 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

Int. No. 318 - Appropriating Funds For The Lexington Avenue Improvement Project

Int. No. 343 - Authorizing An Ammendatory Agreement For The Installation Of Fiber Optic Cable

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 319 - Approving An Increase In The Pavement Width Of Carter Street At The Entrance To The Rochester General Hospital

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot (Voted Against Int. No. 317)
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-286
Re: Agreement - Monroe County/Durand Eastman Beach

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County and establishing \$10,000 as maximum compensation for the Monroe County Department of Public Health to provide water testing services and to provide an operational model for the use of Durand Eastman Beach for the 2006 season. This cost will be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

The City operated a portion of the beach at Durand Eastman Park for swimming from July 22, 2006 through September 4, 2006. The County Health Department agreed to provide water quality testing services and to use that information to determine when swimming could be allowed without any threat to public health and safety.

The County Health Department has provided the following services:

- From late May to early September, staff collected water samples twice weekly, or as necessary, to capture storm events at beach locations determined by the Health Department.
- The sampling results from the 2006 season were used to refine a proposed operational model similar to the one employed at Ontario Beach. This was used for making decisions on whether to open or close the beach for water quality reasons.
- Swimming status information was made available to the public through a telephone hot-line recording that included both Ontario and Durand Beaches.

It is anticipated that these same services will be provided by the County Health Department for the 2007 beach season.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-286
(Int. No. 315)

Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for water testing services at Durand Eastman Beach.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000. Said amount shall be funded from the 2006-07 Department of Recreation and Youth Services Operating Budget.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be

appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-287
Re: Lease Agreement - 151 Cumberland Street

Transmitted herewith for your approval is legislation authorizing an agreement with the Salem Evangelical Church of Rochester, NY for the lease of approximately 7,324 square feet of office and garage space at 151 Cumberland Street. The term of the lease will be for a period of one-year, with four one year renewal options.

Department of Environmental Services Downtown Street Maintenance Division will be moving into Cumberland Street from their current location at 300 Andrews Street. The Andrews Street building is part of a development site and will be demolished.

The rental amount of \$1,000 per month was established through an independent appraisal prepared by Kevin Bruckner, MAI. The lease will be funded from 2006-07 Operating Budget of the Department of Environmental Services.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-287
(Int. No. 316)

Authorizing An Agreement For The Lease Of Space For The Downtown Street Maintenance Division

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with Salem Evangelical Church of Rochester, NY for the lease of space at 151 Cumberland Street to be used for the Downtown Street Maintenance Division of the Department of Environmental Services. The agreement shall extend for a term of one year, with four additional one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$12,000 in annual rent. Said amount shall be funded from the Operating Budgets of the Department of Environmental Services.

Section 3. The lease agreement shall contain such additional terms and conditions as the Director deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-288
Re: Agreement - Andrea Whitcomb,
"Greta Program"

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Andrea Whitcomb, 159 Wedgewood Drive, Penfield, NY 14526, for the continuation of the "Greta Program". This cost will be financed from the 2006-07 Budget of the Department of Environmental Services.

This is an educational effort designed to increase the awareness of youth to the problems of litter and graffiti and the benefits of refuse recycling. Its principal components are performances, workshops, school classroom visits, and presentations at City recreation centers and community events.

Ms. Whitcomb, as Greta, has presented the program since 1989. During 2005-06, the program was presented to over 4,200 youths through 300 performances at city schools, libraries, recreation centers, and neighborhood events. In addition, over 2,000 adults and children saw Greta at special events at High Falls, the Museum Science Fair, and the Lilac Parade.

For 2006-07, Ms. Whitcomb will provide 300 performances and workshops. The cost remains the same as for 2005-06.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-288
(Int. No. 317)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Andrea Whitcomb for the continuation of the "Greta Program". Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Pritchard, Santiago - 6.

Nays - Councilmembers Lightfoot, Miller - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-289
Re: Lexington Avenue Improvement Project
(Mt. Read Boulevard to Dewey Avenue)

Transmitted herewith for your approval is legislation related to the Lexington Avenue Improvement Project. This legislation will:

1. Appropriate \$160,461 from the Federal High-

way Administration to finance an increase in the federal share of the project; and,

2. Appropriate \$6,401 from anticipated reimbursements from the New York State Department of Transportation to finance a portion of the increase in the local share of the project.

Construction of the Lexington Avenue Public Improvement project was substantially completed last fall. The project is a federal aid project administered for the State by the City as authorized by the City in November 2001. Design by the Sear Brown Group was authorized in September 2002, and Resident Project Representation services provided by Stantec Consulting (formerly The Sear Brown Group) were authorized in June 2004.

The proposed legislation is required to increase the Federal and State share in the project to finance additional eligible costs incurred during construction. The City share of the increased cost, \$10,029, will be financed from the 2005-06 Cash Capital allocation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-289
(Int. No. 318)

Appropriating Funds For The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$160,461, and there is hereby further appropriated from anticipated reimbursements from the New York State Department of Transportation the sum of \$6,401, to fund the Lexington Avenue Improvement Project (Mt. Read Boulevard to Dewey Avenue).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-290
Re: Amendatory Agreement - Fiber Technologies Networks, LLC

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Fiber Technologies Networks, LLC. The original agreement, authorized by City Council in October 2000, was previously amended in April 2005.

The proposed amendment will increase the amount of the agreement by \$13,600, bringing the total amount of the agreement to no more than \$267,400. The additional amount will fund the work necessary to connect the new Water Bureau Operations Facility at 10 Felix Street to the City's fiber optic network. This agreement will be funded from the construction bonds for the new facility authorized by Council in November 2005.

Respectfully submitted,

Robert J. Duffy,
Mayor

Ordinance No. 2006-290
(Int. No. 343)

Authorizing An Amendatory Agreement For The Installation Of Fiber Optic Cable

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Fiber Technologies Networks, LLC, for the installation of additional fiber optic cable to connect the new Water Bureau Operations Facility at 10 Felix Street to the City's fiber optic network.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$13,600, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2005-357.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-291
Re: Carter Street Pavement Width Changes

Transmitted herewith for your approval is legislation authorizing a change in the pavement width on Carter Street. The legislation will authorize a widening of 6 feet, transitioning from the existing 24 feet to 30 feet on Carter Street, beginning 125 feet north of Rexford Street, for a distance of 150 feet to the north. The widening will occur in the northbound lane to provide for a protected left turn lane for southbound vehicles entering the Rochester General Hospital (RGH) campus.

RGH has requested the widening in conjunction with construction of their new parking garage. In 2004, the existing Institutional Planned Development zoning designation for RGH was amended to Planned Development District #6 (Ord. No. 2004-242) to allow for the construction of the parking garage and other proposed building expansions at RGH. The widening of Carter Street was originally requested in November 2005 (Int. 391); however, City Council expressed concerns about traffic implications and requested that additional traffic studies be conducted a year after the opening of the garage to evaluate the need for this accommodation.

RGH has complied with this request. Traffic studies indicate that a southbound left turn lane be added to mitigate the increase of traffic entering the site. This lane will allow other southbound traffic to travel through. The changes were presented at a public information meeting conducted by the applicant on December 15, 2005 and on May 9, 2006.

The widening was endorsed by the Traffic Control Board on October 18, 2005. A public hearing on the

change is required.

Construction of the widening is scheduled to begin immediately upon approval and to be completed by year end.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Attachment No. AF-99

Ordinance No. 2006-291
(Int. No. 319)

Approving An Increase In The Pavement Width Of Carter Street At The Entrance To The Rochester General Hospital

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 6 feet, transitioning from the existing 24 feet to 30 feet, in the pavement width of Carter Street, beginning 125 feet north of Rexford Street for a distance of 150 feet to the north, in order to provide for a protected left turn lane for southbound vehicles entering the Rochester General Hospital campus.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, Miller, Pritchard, Santiago - 6.

Nays - Councilmembers Conklin, McFadden - 2.

By Councilmember Douglas
September 19, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 320 - Cancellation Of Taxes And Charges

Int. No. 321 - Resolution Approving An Appointment To The Western Regional Off-Track Betting Corporation

Int. No. 322 - Amending The Municipal Code With Respect To Licenses, As Amended

Int. No. 323 - Authorizing An Agreement For The Recovery Of Insurance Proceeds For The South Avenue Garage

Int. No. 324 - Establishing Maximum Compensation For A Professional Services Agreement For The Mayor's Summit On Literacy And Amending The 2006-07 Budget, As Amended

Int. No. 325 - Authorizing An Agreement For [The Rochester After School Academy] Recreational Services, As Amended

Int. No. 326 - Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

Int. No. 327 - Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 328 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 329 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Special Audit Services And Amending The 2006-07 Budget

Int. No. 344 - Authorizing An Agreement For The Lease Of Surplus Property

Int. No. 345 - Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services

Int. No. 346 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Continuation Of Rochester By The Numbers, As Amended

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 330 - Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

Respectfully submitted,
Carolee A. Conklin
Dana K. Miller
Lois J. Giess
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-292
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$57,785.94.

The sum of \$49,775.00 (86.14% of the total) applies to 19 properties with code violations that were incurred by a former owner.

Two properties with a tax total of \$8,010.94 (13.86% of the total) were owned and utilized by not-for-profit organizations prior to the Taxable Status Date for the 2006 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$233,672.27.

| | Accounts | Amounts |
|----------------|----------|--------------|
| City Council | 50 | \$217,747.92 |
| Administrative | 39 | 15,924.35 |
| Total | 89 | \$233,672.27 |

These cancellations represent .101% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-292
(Int. No. 320)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties are owned and utilized by not-for-profit organizations and are exempt from taxation.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> | <u>Tax</u> | <u>Amount</u> |
|------------------|--------------|----------------|-------------|------------------|
| | | | <u>Year</u> | <u>Cancelled</u> |
| 105.820-0002-033 | NH | 593-601 Jay St | 2006 | \$ 6,004.51 |
| 120.430-0001-028 | NH | 684 W. Main St | 2007 | <u>2,006.43</u> |
| Subtotal | | | | \$ 8,010.94 |

- (b) These properties were recently transferred and the code violations were issued against to the former owner and the charges remain unpaid.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Address</u> | <u>Tax</u> | <u>Amount</u> |
|----------------------|--------------|----------------------|-------------|------------------|
| | | | <u>Year</u> | <u>Cancelled</u> |
| 090.730-0001-046 | H | 162 Bryan St | 2007 | \$ 2,350.00 |
| 090.810-0001-061 | H | 131 Lark St | 2007 | 1,800.00 |
| 091.680-0001-011 | H | 1525 Norton St | 2007 | 1,600.00 |
| 091.830-0002-051 | H | 211 Lux St | 2007 | 1,550.00 |
| 105.430-0001-047 | H | 154 Emerson St | 2007 | 1,800.00 |
| 105.470-0002-049 | H | 974 Glide St | 2007 | 2,000.00 |
| 105.650-0001-093 | H | 60 Myrtle St | 2007 | 2,250.00 |
| 105.490-0001-003 | H | 91 Villa St | 2007 | 5,400.00 |
| 105.810-0003-018 | H | 757 Jay St | 2006 | 975.00 |
| | | | 2007 | 1,000.00 |
| 105.820-0002-036 | H | 575 Jay St | 2007 | 1,600.00 |
| 106.210-0003-035 | H | 242 Ave A | 2007 | 1,850.00 |
| 106.240-0001-026.001 | H | 115 Berlin St | 2007 | 2,550.00 |
| 106.370-0002-049 | H | 19-19.5 Evergreen St | 2007 | 1,600.00 |
| 107.620-0001-019 | H | 325 Parsells Ave | 2007 | 13,000.00 |
| 120.560-0001-023 | H | 466 Chili Ave | 2006 | 450.00 |
| | | | 2007 | 1,200.00 |
| 120.560-0001-053 | H | 203 Gardiner Ave | 2007 | 2,100.00 |

| | | | | |
|------------------|---|------------------|------|-----------------|
| 120.700-0001-020 | H | 1024 Arnett Blvd | 2007 | 1,700.00 |
| 120.760-0003-071 | H | 327 Reynolds St | 2007 | 1,800.00 |
| 121.690-0004-023 | H | 4 Stanley St | 2007 | <u>1,200.00</u> |
| Subtotal | | | | \$49,775.00 |
| Grand Total | | | | \$57,785.94 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-31
Re: Appointment - Western Regional
Off-Track Betting Corporation

Transmitted herewith for your approval is legislation confirming the appointment of Dennis Bassett, 271 Genesee Park Boulevard, to the Board of Directors of the Western Regional Off-Track Betting Corporation. By New York State law, the City is allowed one representative to be appointed by the Mayor and confirmed by City Council.

Mr. Bassett will replace T. Andrew Brown, who had served on the board since 1994. Mr. Bassett's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-100

Resolution No. 2006-31
(Int. No. 321)

Resolution Approving An Appointment To The Western Regional Off-Track Betting Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Dennis Bassett, 271 Genesee Park Boulevard, to the Board of Directors of the Western Regional Off-Track Betting Corporation. Mr. Bassett shall replace T. Andrew Brown.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-293
Re: City Code Amendments

Transmitted herewith for your approval is legislation amending several licensing provisions in the City Code. For the past few months, staff from the Law

Department, the Police Department's License Investigation Unit, and the City Clerk's Office have been reviewing portions of the Code and have developed these proposed changes to improve customer service, to protect personal information, and to increase consistency within the Code.

Vendors/Solicitors - Chapter 62

In 2002, Section 62-3A of the Municipal Code was amended to change the fee for a Solicitor/vendor identification badge to \$20. Through an oversight, the fee for an identification card/button for a 3-day solicitor (Section 62-9 B) was not increased at the same time. To achieve equity, it is recommended that the Code be amended to reflect a fee of \$20 for all such identifications.

Taxicabs - Chapter 108

There is a provision in the Section 108-6 of the Code that establishes a fee of \$50 to replace a lost taxicab hack plate. There is no such provision for the replacement of a hotel/motel courtesy vehicle license plate (Section 108-26). It is recommended that the Code be amended to charge the same amount of \$50 to replace a lost hotel/motel courtesy vehicle plate.

Social Security Numbers

The Corporation Counsel has advised that, in order to decrease the possibility of identity theft and reduce the City's exposure in such an event, Social Security numbers should not be included on City license and permit applications. It is therefore recommended that the following Code sections be amended to remove the requirement for Social Security numbers from locally issued license and permit applications: 98-4 A (3), 98-4 B, 98-5 D (9), 98-6 C (5), 108-3 A, and 108-18 A.

Alarm Permits - Chapter 27

The City requires that holders of residential and/or commercial alarm systems file an annual license. Alarm permits enable emergency personnel to better respond to emergencies. At present, there is no requirement that alarm permits be obtained before an alarm is installed. In order to increase compliance with the Code requirements, it is recommended that the Code be amended to require either the customer or alarm installation firms to file an alarm permit on behalf of the customer before the alarm is installed.

It is also recommended that Section 68-5 of the Municipal Code be amended to include a requirement that a City business license or permit cannot be issued until all outstanding alarm fees are paid.

Towing - Chapter 108A

At present, the Section 108A-4H of the Code states that a receipt shall be provided for a towed vehicle upon request. The proposed amendment would require the towing company to provide a receipt to the customer upon payment of the towing bill.

It is also recommended that Section 108A-7 of the Code, which deals with towing from privately-owned properties without the vehicle owner's permission, be amended to include language requiring that signage be conspicuous both day and night, that it be posted at the entrance to the private lot, and that it is the responsibility of the towing company to post and maintain the sign.

In order to clarify the intent of that section of the Code, it is recommended that the language stipulate that storage fees for such towed vehicles cannot exceed those charged by the City Auto Pound, and that storage fees cannot be charged for the first 24 hours of storage.

Finally, it is recommended that language be inserted into the Section 108A-7 prohibiting the "booting" of a vehicle on private property.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2006-293
(Int. No. 322, As Amended)

Amending The Municipal Code With Respect To Licenses

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 62-9 of the Municipal Code, License and regulations for special promotional events, as amended, is hereby further amended by amending subsection B by deleting the fee of "\$15" for an identification card or button and replacing it with a fee of "\$20".

Section 2. Section 108-26 of the Municipal Code, License plate required, is hereby amended by adding thereto the following new Subsection E:

- E. If a hotel/motel courtesy vehicle license plate is lost or stolen, the holder shall immediately report said loss or theft to the City Clerk who shall issue a replacement upon payment of a fee of \$50 and upon the receipt of an affidavit from the holder stating the reason for such replacement. The City Clerk shall immediately notify the Chief of Police that replacement has been made and shall forward the affidavit to him or her.

Section 3. Section 98-4 of the Municipal Code, License required, as amended, is hereby further amended by amending Subsection A(3) by deleting the words "name, date of birth and social security number" where they appear therein and by inserting in their place the words "name and date of birth"; and by amending Subsection B by deleting the words "social security number" where they appear therein.

Section 4. Section 98-5 of the Municipal Code, Application for sexually oriented business license, as amended, is hereby further amended by repealing Subsection D(9) thereof.

Section 5. Section 98-6 of the Municipal Code, Application for manager or employee license, as amended, is hereby further amended by repealing Subsection C(5) thereof and by renumbering Subsection C(6) as Subsection C(5).

Section 6. Section 108-3 of the Municipal Code, Application for hack plates; investigation, as amended, is hereby further amended by amending Subsection A by deleting the words "social security number" where they appear therein.

Section 7. Section 108-18 of the Municipal Code, Application, as amended, is hereby further amended by amending Subsection A by deleting the words "social security number", where they appear therein.

Section 8. Section 27-7 of the Municipal Code, Alarm businesses regulations, is hereby amended by adding thereto the following new Subsection C:

- C. No alarm business in the City shall sell, alter, install, lease, maintain, repair, replace[,] or service [or respond to] an alarm system unless the system owner, user, lessee or operator shall have obtained from the City a permit for such alarm.

Section 9. Section 68-5 of the Municipal Code, Granting of licenses and permits, is hereby amended by adding to the end thereof the following new sentence:

No license or permit shall be issued for a business unless all renewal fees for any alarm system owned, used, leased or operated by the business have been satisfied.

Section 10. Section 108A-4 of the Municipal Code, Operation of towing companies, is hereby amended by amending the first sentence of Subsection H to read in its entirety as follows:

A towing company shall, at the time of payment, deliver a receipt to a vehicle owner paying to retrieve a towed vehicle.

Section 11. Section 108A-7 of the Municipal Code, Towing from privately owned property without the vehicle owner's permission, as amended, is hereby further amended by amending Subsection A to read in its entirety as follows:

- A. No person shall tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in § 1224 of the Vehicle and Traffic Law, without permission of the vehicle owner, from privately owned property in the City of Rochester, other than property which is solely residential and contains fewer than five residential units, unless there is posted on the property in a clearly conspicuous location at the entrance to the parking a sign or notice conspicuous both day and night relating in clear and concise English, and of a size at least 12 inches by 24 inches, with lettering at least 2 1/2 inches high and in a color contrasting to that of the background, that unauthorized vehicles will be removed at the vehicle owner's expense and providing the towing company's name, telephone number and address where towed vehicles may be retrieved. The towing company shall be responsible for assuring that signs meeting the requirements of this section are posted and maintained.

Section 12. Section 108A-7 of the Municipal Code, Towing from privately owned property without the vehicle owner's permission, as amended, is hereby further amended by amending the second sentence of Subsection B to read in its entirety as follows:

Storage fees for such towed vehicles shall not exceed the storage fees charged at the City Auto Pound pursuant to § 111-72G of the Municipal Code, and no storage fees shall be charged for the first twenty-four hours after towing.

Section 13. Section 108A-7 of the Municipal Code, Towing from privately owned property without the vehicle owner's permission, as amended, is hereby

further amended by adding thereto the following new Subsection F:

- F. No person shall place a parking boot on, or otherwise immobilize, a vehicle owned by another person which is parked on private property.

Section 14. This ordinance shall take effect two weeks after the date of its adoption.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-294
Re: Agreement - Insurance Recovery
for South Avenue Garage

Transmitted herewith for your approval is legislation authorizing an agreement with National Fire Adjustment Co., Inc., ("NFA") 371 White Spruce Boulevard, Rochester, New York 14623, to represent the City in recovering insurance proceeds related to the collapse of the helix of the South Avenue Parking Garage.

City Council authorized an agreement, effective April 1, 2006, with Rochester Convention Center Management Corporation for operation of the South Avenue Garage. On April 21, 2006, portions of the helical ramp at the south end of the South Avenue wing collapsed. The garage has remained closed since the collapse.

As required for the operation of the garage, the Rochester Convention Center Management Corporation obtained insurance coverage, with the City being named as an additional insured. NFA has been retained by the Convention Center to process its insurance claim, and the City also wishes to retain NFA to pursue the City's claim. NFA will pursue recovery for any and all expenses covered by the policy, including replacement cost/actual cash value, lost revenue, demolition, emergency costs, and related expenses.

NFA has insurance adjustment that the City does not possess and will be able to coordinate the claims of the City and the Convention Center. NFA will review the insurance policy coverage and language, identify and value losses, and present the insurance claims.

NFA will retain five percent of the amount of any insurance paid to the City as compensation for its services. Their standard fee of 7.5% has been reduced as a result of representing both the City and the Convention Center.

Respectfully submitted,
Patricia K. Malfieri
Deputy Mayor

Ordinance No. 2006-294
(Int. No. 323)

**Authorizing An Agreement For The Recovery
Of Insurance Proceeds For The South Avenue
Garage**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with National Fire Adjustment Co., Inc. for representation of the City in the recovery of insurance proceeds for the South Avenue Garage.

Section 2. The agreement shall allow National Fire Adjustment Co., Inc. to retain five percent of any insurance paid to the City.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-295

Re: Agreement - Dickson Consulting -
Mayor's Summit on Literacy

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Dickson Consulting (Principal, Daryl Dickson, Ph.D.), Rochester, for services in support of the Mayor's Summit on Literacy; and amending the 2006-07 Budget by transferring \$20,000 from Contingency to the Mayor's Office Operating Budget to partially fund the agreement. The remaining \$10,000 will be funded from a private donation to One City Fund directed to this project.

Dr. Dickson is working as the facilitator for the Mayor's Blue Ribbon Literacy Committee, providing the leadership necessary for the committee to work in the most productive manner possible to develop a strategic plan for improving literacy in our community. She will lead the development of an agenda for the Mayor's Literacy Summit to be held in November 2006. Her involvement is integral in developing the goals and objectives for the Summit.

Dr. Dickson will also facilitate the Summit meeting by providing the leadership for participants as they develop a comprehensive plan to increase literacy levels across the community. She will guide the implementation of the Summit agenda by engaging participants in the process of shaping Rochester's future plan. She will challenge the group to commit to the achievement of specific tasks within the next ninety days by identifying specific accountability for outcomes. Dr. Dickson will assist with the identification of critical resources needed to support these initiatives.

The Summit on Literacy will focus on one of the fundamental issues plaguing our community; improving literacy levels is one of the top priorities for this administration. Total cost for the Summit is estimated at \$85,000. The remaining \$55,000 is anticipated to be funded by private contributions.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-295
(Int. No. 324, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Mayor's Summit On Literacy And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dr. Daryl Dickson, Dickson Consulting, to provide consulting services for the Mayor's Summit on Literacy. Said amount shall be funded [by a \$10,000 contribution and a proposed budget amendment transferring \$20,000 from the Contingency account to the Mayor's Office Budget] from the 2006-07 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$20,000 from the Contingency Account to the Office of the Mayor, and by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$10,000, which amount is appropriated from funds to be received from the One City Fund, to fund the agreement authorized herein. The Mayor is hereby authorized to enter into an agreement for the receipt of these funds. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section [2] 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-296

Re: Agreement - Kuumba Consultants -
Recreation Programs

Transmitted herewith for your approval is legislation establishing \$13,950 as maximum compensation for an agreement with Kuumba Consultants, 325 Roslyn Street, 14619 (Principal, Delores Jackson Radney) to provide instruction in health, fitness, drama and dance at several recreation sites. The cost of this agreement will be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Kuumba will provide a total of 260 hours of instruction to 106 youth participants at School #39, Campbell Street Recreation Center, School #46, Carter Street Community Center, Webster Avenue Community Center and South Avenue Recreation Center. The program also includes rehearsals and a recital performance. This agreement will be from October 16, 2006 through June 1, 2007.

Last year (2005-06) the breakdown of participants was as follows:

| | School #39 Program (Ages 9-12) | Rec. Center Programs (Ages 6-14) | Total |
|------------------|--------------------------------------|--|-----------|
| African American | 32 | 45 | 77 |
| Hispanic | 7 | 12 | 19 |
| Caucasian | 2 | 8 | 10 |
| Male | 16 | 16 | 32 |
| Female | <u>25</u> | <u>49</u> | <u>74</u> |
| Total | 41 | 65 | 106 |

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-296
(Int. No. 325, As Amended)

Authorizing An Agreement For [The Rochester After School Academy] Recreational Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Kuumba Consultants to provide instruction in health, fitness, drama and dance for the Rochester After School Academy at School #39 and Campbell Street Recreation Center, School #46, Carter Street Community Center, Webster Avenue Community Center and South Avenue Recreation Center.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$13,950. Said amount shall be funded from the 2006-07 Department of Recreational and Youth Services Operating Budget.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-297
Re: Agreement - Monroe Community College, AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Monroe Community College, for continued support of the AmeriCorps Program. The cost will be financed from the 2006-07 Undistributed Fund.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. The City has participated since the program's inception in 1994. Since then, more than 900 individuals have participated, contributing over 1.2 million hours of

service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$10,900 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The program is administered by Monroe Community College. Local cost-sharing budgeted at \$171,062 in non-federal cash and \$118,218 of in-kind contributions leverages \$445,500 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program will enroll 33 individuals this year. Twelve placements are available in City programs: four with the Rochester Police Department, and eight in City recreation programs.

Rochester Police Department. Participants' duties support and enhance the activities of the Victim Assistance Unit. These include assisting with crisis intervention, short-term counseling and referral, court advocacy and filing requirements, and coordinating the "Do the Right Thing" program.

Department of Recreation and Youth Services. Five participants conduct daily recreation programs at City recreation centers. Three city-wide positions focus on training and activities for youth councils; assisting council advisors; assisting the young entrepreneurs program; involving youth council members in television programming; and providing truancy prevention, tutoring, and connections to higher education.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-101

Ordinance No. 2006-297
(Int. No. 326)

Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Monroe Community College, as agent for the Rochester AmeriCorps Program, for the AmeriCorps Program. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-298
Re: Agreement - RPO Performances

Transmitted herewith for your approval is legislation

establishing \$75,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, 108 East Avenue, for several performances. The cost of the agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.

The events will include two full orchestra concerts and six ensemble concerts which will be performed as afternoon programs. They also will include classical music education for all third-graders in City public schools.

The full orchestra concerts will be similar to those provided annually since 1987-88 under comparable agreements. The ensemble concerts will be similar to the 2006 series, which took place in neighborhoods throughout the city as part of the 2006 summer performing arts season. The education curriculum will be developed by ensemble members and music and classroom teachers; thirty educational presentations will be provided to approximately 5,000 students enrolled in grade three.

The cost of the proposed agreement is \$75,000, an increase of \$25,000 over the 2005-06 agreement, reflecting the addition of one full orchestra concert for 2006-07.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-298
(Int. No. 327)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Philharmonic Orchestra for two full orchestra public concerts, music education in City schools and six ensemble public concerts. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-299
Re: Agreement - Rochester Ice
Hockey Officials, Inc.

Transmitted herewith for your approval is legislation authorizing maximum compensation for an agreement with the Rochester Ice Hockey Officials, Inc. (RIHO) for the provision of referees for adult hockey leagues at Genesee Valley Park Ice Arena. The leagues run from September 2006 to May 2007. The cost of the agreement will be financed from the 2006-07 Operating Budget of the Department of Recreation and Youth Services.

The leagues are fee-based, and revenue covers all associated costs. The attached spreadsheet summarizes ethnicity, residency, revenues and costs for participants in 2004, 2005, and 2006.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-102

Ordinance No. 2006-299
(Int. No. 328)

Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$19,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-300
Re: Amendatory Agreement -
Deloitte & Touche LLP

Transmitted herewith for your approval is legislation regarding special audit services as a part of the City Council's plan of correction in response to the Comptroller's Report on the Fast Ferry Project. The legislation will authorize an amendatory agreement for \$16,500 with Deloitte & Touche LLP for these services and will amend the 2006-07 Budget of the City Council/City Clerk by transferring that amount from the Contingency Account to fund the agreement.

As you know, the Comptroller's Report made eight specific recommendations regarding City policies, and the Council's Plan of Correction addresses each of these. Recommendation 3 involves the payment of vouchers and the need for consistency among the terms of each agreement, the invoices, and the vouchers. Although there are long-standing City policies and practices for such payments, the Report suggests that there was one agreement in which existing policies may not have been followed.

In order to ensure that this was, indeed, an aberration, the proposed agreement will include the examination of each professional services agreement in excess of \$100,000 from 2005-06 and will review the agreement for consistency with the authorizing ordinance and will match vouchers and invoices against

the agreement. There are eighty-five such agreements, and the auditors will review all of them.

This additional audit is consistent with the practices of the City Council for nearly two decades, during which time additional audits have been carried out on a variety of operational practices, including cash handling, disbursement and purchasing. The proposed audit will not only provide an appropriate response to the Comptroller's Report, it will also offer the opportunity to review the City's system for such agreements and provide an opportunity to make any refinements necessary to ensure accuracy and integrity in the process. The audit will begin about October 2 and be completed within thirty days.

Respectfully submitted,
Lois J. Giess Benjamin L. Douglas, Chair
President Finance & Public Services
Committee

Ordinance No. 2006-300
(Int. No. 329)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Special Audit Services And Amending The 2006-
07 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$16,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Deloitte & Touche LLP for an audit of specified professional services agreements executed during 2005-06.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$16,500 from the Contingency Account to the budget of the City Council/City Clerk, to fund said agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-301
Re: Lease Agreement - Main Street
Armory, LLC

Transmitted herewith for your approval is legislation authorizing a lease agreement with Main Street Armory, LLC, 900 E. Main Street (Scott Donaldson, Principal), for the use of City-owned surplus sports equipment. The equipment was originally for use at the Blue Cross Arena at the War Memorial and includes: artificial turf for lacrosse; two lacrosse goals; four hockey goals; and a boxing ring with stage, stairs, carpet and ropes.

Main Street Armory plans to use the equipment at its East Main St. location for girls' soccer and hockey team practice and games. These teams currently use suburban facilities.

In exchange for the use of the equipment, Main Street Armory will provide an equivalent value of the use of their facility to the City. Main Street Armory will

be responsible for installation, repair and maintenance of the equipment while leased.

The term of the lease shall be for one year, with the option of five one-year renewals.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-301
(Int. No. 344)

**Authorizing An Agreement For The Lease Of
Surplus Property**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with The Main Street Armory, LLC for the lease of surplus property no longer used at the Blue Cross Arena at the War Memorial, including a lacrosse turf, boxing ring and stage extension, and lacrosse and hockey goals. The agreement shall extend for a term of one year, with 5 additional one-year renewal options.

Section 2. The lease agreement shall obligate the Armory to allow the City to use the Armory for City events, with the value of the usage to be equivalent to the value of the lease. The Armory shall also be responsible for installation, repair and maintenance of the leased property.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-302
Re: Post-Employment Benefits
Actuarial Services

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with Mercer Human Resources Consulting, Inc. (Mercer), for the provision of actuarial analysis of the cost impact of specific potential changes in post-employment health benefit coverage that may be considered in the future for various employee groups. The term of the contract is for two years; the source of funds is the 2005-06 Budget of the Budget Bureau.

Mercer was previously retained to perform actuarial valuation post-employment health benefit liability required for compliance with Government Accounting Standards Board financial reporting standards. The initial agreement (Ord. No. 2006-49) for \$39,000, was subsequently amended (Ord. No. 2006-174) for an additional \$13,500.

This is a separate agreement for different actuarial services relating to future potential changes in health benefit coverage for employee groups. Calculation of the impact of such changes requires specialized actuarial skills. Mercer is chosen due to their experi-

ence and knowledge of the City's benefit structure and familiarity with our data.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-302
(Int. No. 345)

Establishing Maximum Compensation For A Professional Services Agreement For Actuary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Mercer Human Resource Consulting, Inc. for the provision of actuary services for a term of two years. Said amount shall be funded from the 2005-06 Budget of the Bureau of Budget and Efficiency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-303
Re: Amendatory Agreement - Carnevale Associates, LLC - Rochester By The Numbers

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Carnevale Associates, LLC (John Carnevale, Ph.D.) to continue the implementation of the Rochester by the Numbers program. The original agreement for \$10,000 was amended in March 2006 (Ord. No. 2006-51) with an authorization of \$144,000. The cost of this amendment, \$297,000, will be funded from the 2005-06 Undistributed Budget Allocation for Efficiency and Effectiveness Initiatives. Upon approval, the balance of the Efficiency and Effectiveness allocation, which was included in the Budget for the purpose of establishing these types of Mayoral initiatives, will be \$203,000.

The amendatory agreement will enable Phase II of the project to be completed between August and December 2006. Tasks to be accomplished include:

- Refine RBN measures and confirm RBN reporting requirements
- Assess reliability and validity of data
- Identify functional requirements for RBN system
- Develop technical specifications for RBN system
- Manage "One Call to City Hall" integrated 311 system development
- Design and implement customer satisfaction survey

- Conduct comprehensive analyses to inform the RBN Process
- Support and facilitate RBN meetings
- Training of and technical assistance to RBN team members

The amendatory agreement includes a total of 930 Carnevale employee hours, and subcontracts of \$60,000 and \$118,295 with J Martin Solutions, Rochester (J. Girvin, principal) and Simeone Associates, Inc., Syracuse (R. Simeone, principal), respectively.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-303
(Int. No. 346, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Continuation Of Rochester By The Numbers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$297,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Carnevale Associates, LLC, for the continuation of the implementation of Rochester by the Numbers. Said amount shall be funded from the [2005-06] 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-304
Re: City Code Amendment - Senior Citizens Property Tax Exemption

Transmitted herewith for your approval is legislation amending Chapter 107 of the City Code by increasing the maximum annual income limit for eligibility for a Senior Citizen's property tax exemption. Such an increase is authorized by Chapter 186 of the NY State Laws of 2006.

Under the provisions of Section 467 of the NYS Real Property Tax Law, the City Council is authorized to approve partial exemptions from real property taxes for certain persons 65 years of age or older. Pursuant to this authorization, the City Council has historically approved such exemptions. The current exemptions were last approved in 2003.

To qualify for an exemption, a person must be the owner/occupant of a residential property and have an annual income within specified amounts. These amounts, prescribed by Section 467, are periodically adjusted to reflect inflation and nominal increases in personal income. On July 26, 2006, NY State approved an increase in maximum income eligibility to \$34,400.

| Percent Exemption | Maximum Annual Income | |
|----------------------|-----------------------|----------|
| | Current | Proposed |
| 50 | \$24,000 | \$26,000 |
| 45 | 25,000 | 27,000 |
| 40 | 26,000 | 28,000 |
| 35 | 27,000 | 29,000 |
| 30 | 27,900 | 29,900 |
| 25 | 28,300 | 30,800 |
| 20 | 29,700 | 31,700 |
| 15 | 30,600 | 32,600 |
| 10 | 31,500 | 33,500 |
| 5 | 32,400 | 34,400 |

If approved, the new eligibility limit will first be effective in tax year 2007-08, for which bills are to be issued on July 1, 2007.

Adoption of this ordinance will include an increase in the income limits by \$1,000 per year for assessment rolls completed in 2008, 2009 and 2010. This is a new provision that has not been part of the previous actions by the State Legislature. It is intended to assist both the Senior Citizen and the municipalities with future planning.

The effect of the recommended change upon City tax revenues and rates is expected to be minimal. At present, there are 2,926 Senior Citizen exemptions with total exemption valuations of \$62.3 million (City) and \$66.7 million (School). These exemptions result in a total tax savings to the Senior Citizens of approximately \$1,348,000.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-304
(Int. No. 330)

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 107-2 of the Municipal Code, relating to age and income limits and exemption percentages for the senior citizens tax exemption, as amended, is hereby further amended by amending the chart found in subsection A thereof to read in its entirety as follows:

| Annual Income | Percentage of Assessed Valuation Exempt from Taxation |
|--|---|
| \$26,000 or less | 50 |
| More than \$26,000 but less than \$27,000 | 45 |
| \$27,000 or more but less than \$28,000 | 40 |
| \$28,000 or more but less than \$29,000 | 35 |
| \$29,000 or more but less than \$29,900 | 30 |
| \$29,900 or more but less than \$30,800 | 25 |
| \$30,800 or more but less than \$31,700 | 20 |
| \$31,700 or more but less than \$32,600 | 15 |

| | |
|--|----|
| \$32,600 or more but less than \$33,500 | 10 |
| \$33,500 or more but less than \$34,400 | 5 |

The income limits set forth in this chart shall increase by \$1,000 each per year for the assessment rolls completed in 2008, 2009 and 2010.

Section 2. This ordinance shall take effect immediately and shall first apply during the 2007-08 tax year.

Passed unanimously.

By Councilmember McFadden
September 19, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 331 - Authorizing Agreement With The County Of Monroe For Funding For Firearms Instruction

Int. No. 332 - Authorizing An Agreement With Respect To Project IMPACT III And Amending The 2006-07 Budget

Int. No. 333 - Authorizing An Agreement With The County Of Monroe For Funding Under The 2006 STOP DWI Program

Int. No. 334 - Authorizing Grant Agreements For A Police Horse And Amending The 2006-07 Budget

Int. No. 306 - Resolution Amending Resolution No. 85-10 Relating To A Policy For Police Services At Special Events, As Amended

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-305,
Ordinance No. 2006-306 And
Ordinance No. 2006-307
Re: Agreements - Monroe
County/Police Programs

Transmitted herewith for your approval is legislation authorizing agreements with Monroe County for the receipt and use of funds related to three Police Department programs, and amending the 2006-07 Budget as described in section 2 below.

1. \$55,675 for the 2004 Firearms Instruction program. The County provides reimbursement for a portion of the salary and benefits of a firearms instructor to train officers in Monroe County police agencies. The instructor, an RPD officer, was assigned full time to provide shooting range training. The agreement was authorized by the Monroe County Legislature in April 2004.

The City was initially advised that County funding would not be provided for this program for 2004. However, the County recently informed the City that funding had been reserved in the 2004 County budget for this purpose. No budget amendment is required, as the instructor's salary was included in the 2003-04 and 2004-05 Budget of the Police Department.

2. **Operation Impact III.** These are NY State Department of Criminal Justice Services funds, administered by the County. For 2006-07, the City will receive \$397,800. The 2006-07 Budget will be amended as follows:

\$348,200 to the Rochester Police Department,

\$34,400 to the Pathways to Peace Unit of the Mayor's Office, and

\$15,200 to the Undistributed allocation (for Pathways personnel expenses).

The RPD portion of the grant will be used to continue initiatives to reduce violent crime in local jurisdictions through improved coordination among federal, state and local criminal justice agencies using data-driven strategies. The law enforcement efforts of Impact III are overseen by a County-wide taskforce using strategies to prevent gang violence, gun carrying, and open-air drug markets, and to provide enhanced prosecution. Data on crime and crime responses is utilized to inform the taskforce in setting its priorities and direction.

This is the third round of funding received for this program. At the end of the 2005-06, Impact II had recorded 212 violation arrests, 221 misdemeanor arrests and 46 felony arrests. No match is required for this grant.

The Pathways portion covers a Youth Intervention Specialist Trainee position, to work in conjunction with District Attorney's Office, Rochester Police Department and Monroe County Probation and Parole Division to identify at-risk youth, counsel youth on the consequences of and positive alternatives to criminal activity, and provide referrals to community-based services.

3. **Stop DWI.** These are New York State STOP DWI funds administered by Monroe County. The award to the City for January 1 through December 31, 2006 is \$156,739, and will be used for enhanced detection and enforcement of DWI offences. No matching funds are required.

These funds reimburse expenses for overtime traffic enforcement patrols; and \$15,000 is designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$144,448 was authorized by City Council in October 2004. During 2005, the City's reported DWI arrests included 48 driving while under influence of alcohol, 15 driving while under the influence of drugs and 670 driving while intoxicated.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-305
(Int. No. 331)

Authorizing Agreement With The County Of Monroe For Funding For Firearms Instruction

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for 2004 for reimbursement for a portion of the salary and benefits of a firearms instructor assigned to train officers in Monroe County police agencies.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-306
(Int. No. 332)

Authorizing An Agreement With Respect To Project IMPACT III And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under Project IMPACT III.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$348,200, to the Pathways to Peace Unit of the Mayor's Office by the sum of \$34,400, and to the Undistributed allocation by the sum of \$15,200, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-307
(Int. No. 333)

Authorizing An Agreement With The County Of Monroe For Funding Under The 2006 STOP DWI Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for funding under the 2006 STOP DWI Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-308
Re: Kodak Community Services
Grant for Mounted Patrol

Transmitted herewith for your approval is legislation authorizing the receipt and use of a grant of \$2,000 from the Eastman Kodak Company, Office of Community Affairs, and amending the 2006-07 Budget of the Police Department to reflect the grant.

These funds will be used toward the purchase of a replacement horse for the RPD Mounted Patrol. This is the first such grant from the Kodak Office of Community Relations, and there is no match requirement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-308
(Int. No. 334)

Authorizing Grant Agreements For A Police Horse And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Eastman Kodak Company for funding for a horse for the Mounted Patrol Unit of the Rochester Police Department.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$2,000, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-32
Re: Policy for Police Services at
Special Events

Transmitted herewith for your approval is legislation amending Resolution 85 -10, Establishing Policy for Police Services at Certain Special Events. The original policy stipulates that the City will provide, at no cost, up to sixteen hours of Police service to organizations hosting road races, street festivals and other special events.

As you are aware, the number of such events places unreasonable demands on the budget of the Police Department when they provide traffic control and other related services. The financial impact is even greater since providing these non-routine services

requires assignment of officers working on overtime.

This amendment will allow the City to charge sponsors of such events for all special police services. The City will work with sponsors to minimize costs by recommending routes, times, etc., which will reduce the number of police hours required. The Chief of Police will continue to be authorized to deny permits for any event that might prevent the Department from providing a necessary level of service to protect public health and safety.

The Chief of Police will also be authorized to waive charges for nonprofit groups sponsoring small events, i.e., if the event requires fewer than two officers, will last for less than four hours, provided that on-duty officers are available to provide these services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-103

Resolution No. 2006-32
(Int. No. 306, As Amended)

Resolution Amending Resolution No. 85-10 Relating To A Policy For Police Services At Special Events

WHEREAS, Resolution No. 85-10 established the policy for police services at certain special events; and

WHEREAS, the number of parades, road races, festivals and other special events in the City of Rochester continues to have a very serious impact upon the budgets of various City departments; and

WHEREAS, the budget of the Police Department is the most seriously affected because special events often require the assignment of police officers for traffic control and other purposes directly attributable to the special events and all police officers so assigned are often working on overtime; and

WHEREAS, the City wishes to be involved in the early planning of a special event so that the sponsor of such events can plan the event so that it will have the least impact upon the taxpayers of the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Rochester as follows:

Section 1. Resolution No. 85-10, establishing the policy for police services at certain special events, is hereby amended by renumbering Paragraphs 3 and 4 as Paragraphs 2 and 3, respectively, and by amending Paragraphs 1 and 2 to read in their entirety as the following new Paragraph 1:

1. The sponsors of parades, road races, festivals and other special events held on private or public property, which attract large numbers of persons to the events and which require special police services in the form of traffic control and other services, shall be charged all costs of police services at the events at the prevailing rates. The City shall work with the sponsors to minimize the police costs at such special events by recommending routes, times and places which require a minimum number of police officers to provide services. The Chief of Police shall continue to determine the number of officers needed

for such special events based upon the time and place of the event. The Chief of Police shall deny a permit for a special event if the time or place of the event will create significant traffic safety or other public safety problems, or if the number of other events scheduled for the same day will prevent the Police Department from providing the necessary services to the special event, or if the holding of the special event would otherwise endanger the public health and safety. The Chief of Police [may] shall provide an exception for small special events run by not-for-profit organizations if the event requires [less] not more than two (2) officers and lasts for a period less than four (4) hours, provided that the Chief is able to assign on duty officers to provide services for such events. Nothing in this policy shall be construed to require the Chief of Police to assign police officers to festivals or block parties if the Chief deems there is no need for such an assignment. This resolution shall not require the payment of fees for marches, demonstrations or other activities protected by the First Amendment.

Section 2. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

By Councilmember Pritchard
September 19, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 335 - Authorizing An Agreement For Operation Of The High Falls Parking Garage

Int. No. 336 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

Int. No. 337 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 338 - Amending The 2006-07 Budget For The Drum Corps Associates World Championships

Int. No. 339 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-309
Re: High Falls Garage Operating Agreement

Transmitted herewith for your approval is legislation authorizing an agreement with Central Parking Corporation, located at 36 West Main Street, for operation of the High Falls Garage, located at 240 State Street.

The current agreement with Central Parking expires September 30, 2006. A Request for Proposal (RFP) was issued in July 2006 for the operation of the 750-space garage; five prospective operators were solicited; responses were received from two.

The City's RFP requested a management fee agreement from the prospective operators. With this type of agreement, all monthly expenses to operate the garage, including a management fee, are paid from the deposited garage revenues by the operator. Any net operating income is retained by the City as revenue. If the gross revenues for any month are insufficient to pay the operating expenses, the City agrees to remit to Central Parking the amount of such deficit. For the most recent full year of operation (October 2004 - September 2005), the total operating loss was \$57,938.

The following proposals were submitted to the City:

| <u>Company</u> | <u>Management Fee Per Month</u> |
|-----------------------------|---------------------------------|
| Central Parking Corporation | \$1,000 |
| Allpro Parking, LLC | 1,160 |

The agreement will have an initial term of two years, beginning October 1, 2006, with a provision for a one-year renewal upon mutual consent and satisfactory performance by Central Parking.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Ordinance No. 2006-309
(Int. No. 335)

Authorizing An Agreement For Operation Of The High Falls Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Central Parking Corporation for the operation of the High Falls Parking Garage. Central Parking Corporation shall provide a full-time manager and all other personnel required for operation of the garage, including cashiers, security guards and maintenance staff. All monthly expenses of the garage shall be paid from garage revenues. Central Parking Corporation shall be paid a monthly management fee of \$1,000. All net operating income shall be retained by the City. The City shall be responsible for any deficits if gross revenues for any month are insufficient to pay operating expenses. The agreement shall be for a term of two years, with an option to renew for one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-310
Re: Agreement - Picture Fest, International

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Picture Fest, International, 45 East Ave., Rochester, NY 14604, for a six-day film festival, November 8-13, 2006. The maximum cost of the agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.

The festival showcases and celebrates the exceptional work of women in all areas of film and video throughout the world. Over eighty films will be screened, including full-length, shorts, and documentaries. Last year, over 7,000 people attended the festival from throughout the country.

This festival also encourages emerging artists, and includes children's programming, foreign language films and digital technology. Catherine Wyler is Artistic Director, and the Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

The proposed 2006-07 funding for this program is the same as 2005-06 funding.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-310
(Int. No. 336)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest, International, for a film festival showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-311
Re: Agreement - ImageOut

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with ImageOut, 274 North Goodman Street, for a ten-day film festival, October 6-15, 2006, as well as special film screenings throughout the year. The cost of the agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.

The mission of ImageOut is to inform, entertain, educate, and enrich the community through the exhibition of multi-racial and multi-cultural films and videos, and through various artistic and educational programs by and about lesbian, gay, bisexual, and transgender people.

In its fourteenth year, ImageOut offers several programs and services. The film festival, consisting of over 120 films including full-length, shorts, and documentaries, attracted over 10,000 people last year. Other programs and services include a youth project, aimed at education and discussion for and about LGBT youth; accessibility, particularly for hard-of-hearing patrons; outreach; and a showcase for visual artists in the LGBT community.

This funding will be used to increase awareness of and accessibility to the festival screenings and events with strategic marketing plans throughout Upstate New York; increased awareness of ImageOut-Reach components, including accessibility; and the ImageOut-Youth Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-311
(Int. No. 337)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and ImageOut for a film festival. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-312
Re: Budget Amendment - Drum Corps Associates World Championship

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$12,800 from Contingency to the Operating Budget of the Department of Recreation and Youth Services. These funds will contribute to the support of the Drum Corps Associates (DCA) World Championships to be held at Paetec Park and other area venues during Labor Day weekend (September 1-3, 2006).

The funds will be used for the following in-house expenses:

| | |
|------------------------------|----------|
| Police traffic control | \$10,000 |
| Highway banners | 800 |
| Equipment and clean-up (DES) | 1,500 |
| Portajohns | 500 |
| Total | \$12,800 |

The City will also provide access to twelve practice sites at recreation centers and parks.

The commitment to DCA was made prior to the changes proposed for the Special Events Policy (Int. 306, currently held in the Public Safety Committee). We are honoring the commitment to bring this large scale event to Rochester. We are seeking alternative funding sources for future events.

The DCA World Championships will bring 50 corps with a total of 3,000 performing members to Rochester, along with an estimated 20,000 spectators for the three-day event. This will create an estimated impact of \$13 million on the local economy.

Respectfully submitted,
Patricia K. Malgieri
Deputy Mayor

Attachment No. AF-104

Ordinance No. 2006-312
(Int. No. 338)

Amending The 2006-07 Budget For The Drum Corps Associates World Championships

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$12,800 from the Contingency Account to the Department of Recreation and Youth Services to fund City services for the Drum Corps Associates World Championships during Labor Day Weekend, 2006.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-33
Re: Appointment - Rochester Economic
Development Corporation

Transmitted herewith for your approval is legislation confirming the appointment of Randolph B. Henderson, 1 Autumn Way, Rochester, NY 14622, as a Member of the Rochester Economic Development Corporation (REDCO).

Mr. Henderson replaces John Leach, who passed away earlier this year. Mr. Henderson's term will extend to June 30, 2007. A copy of his resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-33
(Int. No. 339)

Resolution Approving An Appointment To The Rochester Economic Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Randolph B. Henderson, President and CEO of Henderson Automotive Family, 1 Autumn Way, Rochester, New York 14622, as a Member to the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2007. Mr. Henderson shall replace John Leach, who recently passed away.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:44 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING OCTOBER 17, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies:

Retirement:

DCD

*Charlene Stadtmiller

DES

*Gary Sacco

DRYS

*Jerry Gabel

Library

*Joseph S. Sassone

Fire

Edward Ryan

*David C. Fair

Police

Russell Coriddi

*William Bartell Jr.

*Sydney L. Evans

*Mark J. Gerbino

*Maria L. Graves

*William H. Douglas

**Did not attend meeting.*

President Giess congratulates Councilmember McFadden for receiving the McCuller Award.

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of September 19, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

- Administrative Cancellation or Refund of Erroneous Taxes and Charges 3856-7
- Public Disclosure - HOME Participation 3857-7
- Request for Proposal Sale - December 18, 2006 3858-7
- Quarterly Reports 3859-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Dedication Of Additional Parcel For Gregory Street
Int. No. 360 No Speakers.

Approving Changes In The Pavement Width Of Gregory Street Between Mt. Hope Avenue And South Clinton Avenue Int. No. 361 No Speakers.

Approving Changes In The Pavement Width Of Joseph Avenue Between Ward Street And Upper Falls Boulevard Int. No. 362 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 17, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 352 - Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection Services

Int. No. 353 - Resolution Approving Appointments To The Zoning Board Of Appeals

Int. No. 354 - Resolution Approving An Appointment To The Elevator Examining Board

Int. No. 355 - Resolution Approving [Reappointments] Appointments To The Examining Board Of Plumbers, As Amended

The following entitled legislation is being held in committee:

Int. No. 347 - Authorizing The Sale Of Real Estate

Int. No. 348 - Authorizing An Agreement With The Town Of Gates For Building Plan And Inspection Services

Int. No. 349 - Authorizing The Acquisition Of 33 Jefferson Avenue

Int. No. 350 - Approving A Mini Grant Program

Int. No. 351 - Authorizing Agreements For Preda-

tory Lending Prevention Services

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
HOUSING & COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-313
Re: Agreement - Monroe County - Proactive
Property Management Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the reimbursement of costs for property inspection services, up to a maximum amount of \$426,360. The current contract for the Proactive Property Management Program expired December 31, 2005; this legislation covers services provided January 1 through December 31, 2006.

The City conducts Quality Housing Inspections (QHI) of all units within the city for which landlords are requesting direct rents from Monroe County Department of Social Services. For units failing the QHI, the County sends rent allotments directly to the tenant. A grace period is provided to permit compliance before direct landlord payments are terminated. The City also conducts QHIs for families whose temporary assistance benefits have terminated due to excess income and are applying to MCDSS for Welfare-to-Work housing subsidies.

The amount to be reimbursed to the City includes the costs for five Property Conservation Inspectors, one Clerk III/Typing, and related operating and administrative expenses. This contract also includes \$61,213 to help offset some of the City's cost of the Lead Paint Poisoning Prevention Ordinance.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-313
(Int. No. 352)

Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for inspections during 2006 conducted by the City for the Proactive Property Management Program of the County of Monroe Department of Social Services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-34
Re: Appointments - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointments of Elizabeth M. Bosek, 57 Lakeview Park, and Joseph Hanna, 330 Newcastle Road, to the Zoning Board of Appeals.

Ms. Bosek will replace Karanja Augustine, whose term expired on June 30, 2006. Mr. Hanna will replace Thomas Morse whose term expired April 30, 2006.

Their terms will extend to October 31, 2008. Both resumes are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-34
(Int. No. 353)

Resolution Approving Appointments To The Zoning Board Of Appeals

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Elizabeth M. Bosek, 57 Lakeview Park, to the Zoning Board of Appeals for a term which shall expire on October 31, 2008. Ms. Bosek shall replace Karanja Augustine, whose term has expired.

Section 2. The Council hereby approves the appointment of Joseph Hanna, 330 Newcastle Road, to the Zoning Board of Appeals for a term which shall expire on October 31, 2008. Mr. Hanna shall replace Thomas Morse, whose term has expired.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-35
Re: Appointment - Elevator Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of Brian W. Hoose, Honeoye Falls, to the Elevator Examining Board.

Mr. Hoose is a Service Account Manager at Otis Elevator Co. Mr. Hoose replaces John Dyranka of Shindler Elevator Co. as a member of the elevator industry and will be appointed to a full, three-year term. A copy of Mr. Hoose's resume is on file in the Office of the City Clerk.

Mr. Hoose's term will extend through October 31, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-35
(Int. No. 354)

Resolution Approving An Appointment To The Elevator Examining Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Brian W. Hoose, Service Account Manager, Otis Elevator Company, to the Elevator Examining Board for a term which shall expire on October 31, 2009. Mr. Hoose shall replace John Dyranka as a representative of the elevator industry on the Board.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2006-36
Re: Reappointments - Examining Board of Plumbers

Transmitted herewith for your approval is legislation confirming the reappointment of the following members of the Examining Board of Plumbers:

Rick Benedict - Journeyman
1097 Hamlin-Parma TL Road
Hilton, NY 14468

Gary Mauro - Master/Employing
3550 Elmwood Avenue
Rochester, NY 14610

Erich K. Postler - Master/Employing
89 Tobey Ct.
Pittsford, NY 14534

Attached is a description of the duties of the Examining Board of Plumbers, which is dictated by NY State General City Law. By law, board membership must include two employing or master plumbers and one journeyman plumber with no less than ten years' experience.

Mr. Benedict was most recently appointed in 2002 and has attended 51 of 55 meetings; Mr. Mauro's last appointment was also in 2002 and he has attended 50 of 55 meetings; Mr. Postler's most recent appointment was in 1997, and he has attended 140 of 170 meetings. New terms for all three will extend through December 31, 2009.

Resumes for appointees are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-105

Resolution No. 2006-36
(Int. No. 355, As Amended)

Resolution Approving [Reappointments] Appointments To The Examining Board Of Plumbers

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reap-

pointments of Gary Mauro, 3550 Elmwood Avenue; Erich K. Postler, 89 Tobey Court; and Rick Benedict, 1097 Hamlin-Parma Town Line Road, to the Examining Board of Plumbers for terms which shall expire on December 31, 2009. The Council hereby further approves the appointments of Robert Morrison, Acting Director of Water, and Thomas Mann, Senior Engineer/Mechanical, to the Examining Board of Plumbers for terms which shall expire on December 31, 2009.

Section 2. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

Councilmember Conklin moved to discharge Introductory No. 347 through 351 from Committee.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-314
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 24 properties. Staff has audited City records to ensure that purchasers other than those of unbuildable vacant land do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 12 properties are structures that were sold at the May 2006 Public Auction. Purchasers will be required to rehabilitate the structures in accordance with legal uses within nine months of closing.

The next three properties are vacant lots that were sold at Public Auction. All three were purchased by the adjoining owners who will be required to combine the parcels with their properties.

The next four properties are vacant lots that are being sold to the adjoining property owners. The purchasers will combine the parcels with their adjoining properties.

The last five properties are unbuildable vacant lots that are being sold to the adjoining property owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens

and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-106

Councilmember Conklin moved to amend Int. No. 347.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2006-314
(Int. No. 347, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2006-60, As Amended By Ordinance No. 2006-148

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

| Address S.B.L.# | Lot Size | Legal Use Purchaser | Price |
|--------------------------------------|-------------|--|----------|
| 349 Champlain St. 120.59-2-84 | 31x100 | 1 Family Yvette Williams | \$ 6,500 |
| 305 First St. 106.43-2-13 | 40x91 | 1 Family Mariela Leyua & Rigoberto Diaz | 3,100 |
| 487-489 Flint St. 120.75-3-15 | 39x153 | 1 Family David Mankowski | 10,700 |
| 107 Frost Ave. 121.61-1-15 | 40x141 | 1 Family Faith Temple Apostolic Church* | 6,500 |
| 433 Genesee St. 120.66-3-41 | 45x140 | 1 Family Faith Temple Apostolic Church* | 5,000 |
| 50 Herald St. 091.81-3-50 | 33x132 | 1 Family Michele Smith | 12,000 |
| 174 Kenwood Ave. 120.58-2-76 | 43x130 | 2 Family Yvette Williams | 36,500 |
| 23 Mark St. 106.41-2-60 | 31x104 | 1 Family Michele Smith | 6,000 |
| 121 Massett St. 105.73-2-54 | 24x114 | 1 Family Ross A. Conley | 3,500 |
| 26 Oscar St. 091.71-1-24 | 34x96 | 1 Family Marlon Williams | 8,000 |
| 298 Reynolds St. 120.76-2-32 | 40x144 | 1 Family Verdell Jones | 7,000 |
| 17-21 Tacoma St. 105.34-1-27&26.3 | 80x65 | 1 Family Jessie Gayden | 4,000 |

*Officer: Jerry McCullough

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

| Address S.B.L.# | Lot Size Purchaser | Price |
|--|-----------------------------|-------|
| 431 Alphonse St. 106.34-1-18 | 43x157 Kenneth W. Griggs | \$ 50 |
| 325 Genesee St. 120.66-1-24.1 | 80x120 Mohammad Almasri | 2,400 |
| 110-114 Sobieski St. 091.73-1-43&42 | 60x115 Elon Ranke | 50 |

Section 3. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

| Address S.B.L.# | Lot Size Purchaser | Price |
|-----------------------------------|---------------------------|-------|
| 1895 Clifford Ave. 107.30-3-10 | 40x120 Jackson Lloyd | \$ 50 |
| 26 Clifton St. 120.44-2-93.5 | 40x100 Joseph D. Grant | 50 |
| 34 Oakman St. 106.46-1-17 | 40x119 Jose A. Lopez | 75 |
| 134 Sixth St. 106.52-2-73 | 40x120 Elica Forbes | 100 |

Section 4. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Lot Size Purchaser | Sq. Ft. |
|--|---|---------|
| EH of 633 Avenue D Pt of 091.80-4-1 | 20x66.73 John Burda | 1335± |
| WH of 633 Avenue D Pt of 091.80-4-1 | 20x66.73 Carlos Torres | 1335± |
| NH of 1373 Clinton Ave. N Pt of 091.70-2-14 | 17.59x110 Grace & Bill Ho | 1933± |
| SH of 1373 Clinton Ave. N Pt of 091.70-2-14 | 17.59x110 [Maksim Privosotski] Maksim Privosotski | 1933± |
| 675 Hollenbeck St. 091.46-1-26 | 55.72x28.42 Donald F. Kuchman | 1109± |

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. Ordinance No. 2006-60, as amended by Ordinance No. 2006-148, relating to the sale of 1001, 1005, 1011, 1021 and 1025 Chili Avenue, is hereby further amended by authorizing the sale of these parcels to R.J. Gullo & Co., Inc. instead of 1025 Chili Avenue LLC and LMF Properties LLC.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2006-315
Re: Agreement - Town of Gates - Plan
Review and Inspection Services

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Gates for the City to provide building plan review, zoning review and inspection services. The most recent legislation authorizing this agreement was passed by City Council in October 2004.

The Town of Gates annually issues approximately 150 permits for building and plumbing improvements. One City staff person is responsible for reviewing related plans and conducting building inspections. A City licensed plumbing inspector is responsible for performing plumbing inspections.

The City will perform the following services:

1. Review all building and plumbing permit applications for code compliance;
2. Provide a written report to enable the Town to determine if a permit should be issued;
3. Perform inspections when permits are issued to ensure compliance with codes, regulations, and any terms and conditions of the permits;
4. Based on inspections, provide recommendations regarding issuance of certificates of occupancy or letters of completion;
5. Attend and provide technical support to the monthly Zoning Board of Appeals meetings.

Charges to the Town of Gates will be assessed on an hourly basis of \$47 for plan review, building inspection and zoning board support, and \$38 for plumbing inspections. The Town will be billed on a monthly basis. It is estimated that service to the Town will be, on average, 20 hours per week.

The agreement will have a term of one year. At the option of the Town of Gates, it may be renewed for an additional year. Upon such renewal, the hourly charges will be adjusted by an amount equivalent to any increase in the annual compensation rate for non-uniformed employees of the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-315
(Int. No. 348)

Authorizing An Agreement With The Town Of Gates For Building Plan And Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Gates to provide building plan and zoning review and inspection services. The agreement shall have an initial term not to exceed one year, and may contain a one-year renewal option. The agreement shall obligate the Town of Gates to pay the City at the hourly rate of \$47 for plan review, building inspection and zoning board support and \$38 for plumbing inspections. During any renewal term, the payment rates shall increase by the percentage of compensation increase

granted to the City's full-time non-uniformed employees for that renewal term.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-316
Re: Acquisition - 33 Jefferson Avenue

Transmitted herewith for your approval is legislation authorizing the acquisition of property located at 33 Jefferson Avenue as part of the Brown Street Revitalization Project. The property, currently owned by Lucille L. Booker, has a lot size of 58 X 103 feet, and will be acquired for a cost of \$6,900, which was established through an independent appraisal from Kevin L. Bruckner, MAI. The total cost of this acquisition, including closing costs, will not exceed \$8,000 and will be funded from the Neighborhood Empowerment Team 2002-03 Cash Capital Allocation for Acquisition.

33 Jefferson Avenue is a vacant and blighted structure in close proximity to two newly constructed rental houses developed by Providence Housing Development Corporation. It is adjacent to 35-49 Jefferson Avenue and it also abuts 515-519 Brown Street. It is anticipated that the structure will be demolished and the resulting vacant lot will be used for new housing development.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-107

Ordinance No. 2006-316
(Int. No. 349)

Authorizing The Acquisition Of 33 Jefferson Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 33 Jefferson Avenue, SBL# 120.35-3-19, from the current owner, Lucille L. Booker, for the sum of \$6,900 for the Brown Street Revitalization Project.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$6,900, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also

be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-317
Re: Agreement - Charles Settlement
House, Sector 3 Project

Transmitted herewith for your approval is legislation establishing \$2,500 as maximum compensation for an agreement with the Sector 3 Planning Committee for the Properties of Distinction project, and appropriating \$2,500 from the 2004-05 Consolidated Community Development Plan (Other Programs, Mini Grant Program) to fund the project.

The Properties of Distinction project includes historic plaques, creation of a Tool Library, and expansion of the Properties of Distinction competition. The historical plaques will commemorate properties within the Susan B. Anthony Neighborhood, which is a designated US Department of the Interior National Register District. This neighborhood is also one of eight preservation districts in the City. Plaques with the house's date of construction will be installed on remaining eligible structures that do not have plaques.

The original NBN Sector 3 Tool Library is now out of operation. Re-establishing the Tool Library will provide access to necessary tools for residents in this high-density neighborhood, and will encourage routine maintenance of yards. Sector 3 is seeking donated space for the tools, and will participate in the United Way "Free Paint" program to make paint available to Tool Library members. There will be a nominal fee for annual membership. Action for a Better Community will arrange and oversee the establishment of the Tool Library and will coordinate volunteers.

Yearly, Sector 3 holds the "Properties of Distinction" competition. Expansion of this competition will include the recognition of properties with an exterior plaque, and competition categories will be added.

This project is designed to enhance the beautification of NBN Sector 3 properties and will provide recognition to residents for maintaining and improving properties.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-108

Ordinance No. 2006-317
(Int. No. 350)

Approving A Mini Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Other Programs Allocation of the 2004-05 Community Development Program the sum of \$2,500, or so much thereof as may be necessary, to fund the Properties of Distinction Project of the Sector 3 Planning Committee.

Section 2. The Mayor is hereby authorized to enter such agreements as may be necessary for the Properties of Distinction Project.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-318
Re: Agreements - Predatory Lending
Prevention Services

Transmitted herewith for your approval is legislation establishing \$40,000 and \$35,000, respectively, as maximum compensation for agreements with the Empire Justice Center and the Housing Council in the Monroe County Area, Inc. for predatory lending prevention services. The source of funds is the 2006-07 Community Development Block Grant (Improving the Housing Stock and General Property Conditions allocation - Foreclosure Prevention account). The most recent legislation funding these agreements was passed by City Council in November 2005.

Predatory lending practices typically involve high pressure marketing and sales tactics, often targeting low-income and minority neighborhoods. Loans resulting from these practices may be nearly impossible for the borrower to repay and may lead to further equity stripping through costly refinancing and, ultimately, foreclosure. Predatory loans are characterized by higher interest rates, excessive fees and charges, questionable appraisal practices, and fraudulent terms. There are also predatory marketing and origination techniques which steer people to mortgages with terms they do not understand and which could contribute to later default concerns.

This effort is a component of the City's commitment to affirmatively promote fair housing, a requirement stipulated by federal Community Development Block Grant (CDBG) and HOME grant awards. Rochester uses the Don't Borrow TroubleSM campaign, which includes: foreclosure prevention services (including review of loan applications), access to financial counseling programs, and links with legal services when legal assistance is appropriate. Public education and outreach to homeownership counseling agencies are also provided.

The Housing Council provides the education, client counseling and referral services. Empire Justice Center provides legal services, as well as professional or peer support for outside pro bono legal service providers. A report on activity during the past year is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-109

Ordinance No. 2006-318
(Int. No. 351)

Authorizing Agreements For Predatory Lend-

ing Prevention Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a agreement with the Housing Council in the Monroe County Area, Inc. for the public information and awareness component of the "Don't Borrow Trouble" campaign for predatory lending prevention. The agreement shall obligate the City to pay an amount not to exceed \$35,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for legal assistance for the "Don't Borrow Trouble" campaign for predatory lending prevention. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
October 17, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 356 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Smith Street Bridge Improvement Project And Amending Ordinance No. 2005-128

Int. No. 357 - Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The 400 Dewey Avenue Retaining Wall

Int. No. 358 - Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The City Hall Elevators

Int. No. 377 - Authorizing Applications And Agreements For Funding Under The Shared Municipal Services Program

Int. No. 378 - Resolution In Support Of Erie Canal Greenway Grant Application

Int. No. 379- Authorizing An Application And Agreement For Funding For Pollution Prevention At Durand Eastman Beach

Int. No. 381 - Authorizing An Application And Agreement For Funding For The Boat Marina At The Port Of Rochester

The Parks, Public Works & The Environment Committee recommends for Consideration the following

entitled legislation:

Int. No. 359 - Authorizing The Acquisition By Negotiation Or Condemnation Of A Parcel For The Gregory Street Public Improvement Project

Int. No. 360 - Dedication Of Additional Parcel For Gregory Street

Int. No. 361 - Approving Changes In The Pavement Width Of Gregory Street Between Mt. Hope Avenue And South Clinton Avenue

Int. No. 362 - Approving Changes In The Pavement Width Of Joseph Avenue Between Ward Street And Upper Falls Boulevard

The following entitled legislation is being held in committee:

Int. No. 376 - Amending The 2006-07 Budget With Respect To The Fall Clean Sweep

Respectfully submitted,
John F. Lightfoot
William Pritchard
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-319
Re: Smith Street Bridge Improvement Project

Transmitted herewith for your approval is legislation related to the Smith Street Bridge Improvement project. The legislation will:

1. Authorize an amendatory agreement with Bergmann Associates in an amount not to exceed \$375,000, for additional engineering services, bringing the total cost of the agreement to \$1,175,000. The cost of this amendment will be financed from the appropriation of federal reimbursements requested herein (\$300,000) and from the 2004-05 Cash Capital allocation (\$75,000);
2. Appropriate \$312,800 from anticipated reimbursements from the Federal Highway Administration to finance the federal aid eligible portions of additional preliminary engineering and design (\$300,000) and project administration (\$12,800);
3. Appropriate \$129,000 from anticipated reimbursements from the State of New York Marchiselli Aid Program to partially finance the state aid eligible portions of preliminary engineering and design required for the project; and
4. Amend Ord. No. 2005-128 to shift the source of funds for the \$160,000; \$129,000 will be covered by the state reimbursements appropriated herein, with the balance funded from the 2004-05 Cash Capital Allocation (as per Ord. No. 2005-128).

In May 2005, Council authorized an agreement with Bergmann Associates and an appropriation of anticipated federal reimbursements for the Smith Street

Bridge Improvement project. During the last year, in accordance with federal and state requirements, a Scope Summary Memorandum (SSM) was prepared for the project based on preliminary investigations and analysis performed by Bergmann Associates. The findings of the investigations, as reported in the SSM, indicate that significantly more construction is required to accomplish the project than originally anticipated, as described below:

For the Bridge Structure:

Full overlay of the existing bridge deck and relocation of existing curb lines;

Widening of the south sidewalk;

Additional steel repairs to the truss members, floor beams and brackets;

Construction of a new ladder and access platform to the inspection catwalk;

Additional framing and modification of the snow chutes; and

Additional aesthetic treatments to the bridge railing and overlook.

For the Highway Improvements:

Sidewalk replacement and improvement at the east end of the project;

Replacement of the traffic light and controller at Suntru Street; and

Realignment of the roadway to accommodate roadway width change on the bridge.

The amendatory agreement with Bergmann will provide for additional engineering services required for design of the expanded project scope. The estimated cost of construction has increased from \$6.3 million to \$11.4 million. Of this amount, \$9.28 million (80%) of the federal aid eligible items will be financed by the Federal Highway Administration and \$2.32 million (20%) will be financed locally. 75% of the local share of construction (\$1.74 million) is eligible for reimbursement from the State through the Marcheselli Aid Program. The balance of the local share, \$580,000 will be requested in the 2007-08 Capital Improvement Program.

The proposed appropriation of anticipated reimbursements from the State, through the Marcheselli Aid Program will provide 75%, \$129,000, of the local share of eligible portions of the cost of the preliminary engineering and design of the project. This state aid was made available last month.

Design of the project is scheduled to be completed in the summer of 2007 and construction is expected to begin in fall of 2007 and be completed in the fall of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-319
(Int. No. 356)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For

The Smith Street Bridge Improvement Project And Amending Ordinance No. 2005-128

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$375,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for engineering and design services for the Smith Street Bridge Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$75,000 shall be funded from the 2004-05 Cash Capital Allocation and \$300,000 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$312,000, or so much thereof as may be necessary, to fund the amendatory agreement authorized in Section 1 and project administration.

Section 3. Ordinance No. 2005-128, relating to an agreement for the Smith Street Bridge Improvement Project, is hereby amended by changing the source of funds for the \$160,000 which was funded from the 2004-05 Cash Capital Allocation. Of said amount, \$31,000 shall be funded from the 2004-05 Cash Capital Allocation and \$129,000 is hereby appropriated from anticipated reimbursements from the State of New York.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-320
Re: 400 Dewey Avenue Retaining Wall
Improvement Project

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Richard Alfred Mauser, Architects. The firm will provide architectural, engineering and landscape architectural services for design and construction of alterations to the retaining wall along the west boundary of 400 Dewey Avenue at the Department of Recreation and Youth Services site. The cost of the agreement will be financed from the 2006-07 Cash Capital allocation.

In August of 2002, Pardi Partnership was retained to assist in developing a strategy, schematic plan and cost estimate to eliminate movement in the wall, detected during routine inspections over a period of several years. Three options were presented and reviewed; the option that was chosen involves demolition of the north portion of the wall up to the newer entry wing walls (approximately 490 feet). This area will then be regraded and landscaped. As part of this project, the entry wing walls will be improved and new signage added. These improvements will provide a more pedestrian-friendly corridor and complement other City improvements at the new water operations facility.

Proposals were solicited from seven firms; responses were received from: Mauser, Architectura, PC; CMA

Architecture; McCord Landscape Architecture; and Pardi Partnership. Richard Alfred Mauser, Architects is recommended based on the qualifications of the team assigned to the project, and the firm's ability to perform within the City's project schedule.

It is anticipated that design will begin this year and that construction will begin next summer. The estimated cost of the improvements is \$225,000 which is planned for in the 2006-07 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-320
(Int. No. 357)

Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The 400 Dewey Avenue Retaining Wall

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Richard Alfred Mauser, Architects, for architectural, engineering and landscape architectural services for the design and construction of alterations to the retaining wall at 400 Dewey Avenue. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2006-07 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-321
Re: City Hall Elevator Upgrades

Transmitted herewith for your approval is legislation establishing \$17,000 as maximum compensation for an agreement with Pardi Partnership Architects, P.C., 399 Alexander Street, Rochester, for architectural and engineering services related to upgrades to the City Hall Building "A" elevators. The cost of the agreement will be financed from the 2004-05 Cash Capital allocation.

A Preliminary Design and Design Development Report was performed by Pardi Partnership, assisted by Picard Engineering and Van Deusen & Associates, as authorized by Council in 2002. The proposed upgrades are intended to alleviate increasingly frequent incidents of breakdowns and stops between floors.

Proposals for the services were solicited from six firms; four responded: Pardi; CMA, Architecture, P.C.; Architecture, PC; and PLAN Architectural Studio. Pardi Partnership is recommended based on its successful performance through the design portion of the project, the qualifications of the team assigned to the project, and the firm's ability to perform within the City's project schedule.

Design is expected to be complete in the spring of

2007 and construction is anticipated to begin in the summer of 2007. The estimated cost of construction is \$300,000 which is planned for in the 2006-07 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-321
(Int. No. 358)

Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The City Hall Elevators

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Pardi Partnership Architects, P.C. for architectural and engineering services relating to the final design and construction of upgrades to the City Hall Building "A" Elevators. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-322
Re: Grant Application - NY State Shared
Municipal Services Program

Transmitted herewith for your approval is legislation authorizing applications for three grants to cover costs associated with cooperative agreements and shared services between the City of Rochester, Monroe County and the Towns of Irondequoit and Henrietta under the Shared Highway Services Incentive Awards, the Shared Municipal Services Incentive Awards, and the Shared Health Insurance Incentive Awards. All three applications are due October 23, 2006.

The New York State Department of State is soliciting applications to fund a diverse group of projects, concentrating on the reduction of duplicative layers of government and on improved service delivery. State reimbursements under the Shared Highway Services Incentive Award and the Countywide Shared Services Incentive Awards will be made for up to 90% of the actual cost of the proposal or the maximum amount permitted per municipality, whichever is less. The local share must be in the form of cash for eligible project activities. No local share is required under the Shared Health Insurance Incentive Awards. The City of Rochester will submit applications under the following categories:

- The Shared Highway Services Incentive Award, submitted through the Department of Environmental Services, will provide for contracted services of the City's asphalt recycling or fueling program among municipal highway departments for an amount not to exceed \$300,000.

- The Shared Health Insurance Incentive Awards, submitted through the Budget Bureau, will seek funding relating to the study of health insurance consortiums for an amount not to exceed \$500,000.

- The Countywide Shared Services Incentive Awards, submitted through the Office of the Mayor, will seek collaborative study with Monroe County and the Town of Irondequoit for locating Stormwater Phase II illicit discharges and E.coli sources. This effort surrounding Durand Beach would include residential sampling and investigative work for an amount not to exceed \$200,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-322
(Int. No. 377)

Authorizing Applications And Agreements For Funding Under The Shared Municipal Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of State for funding under the Shared Highway Services Incentive Awards, Countywide Shared Services Incentive Awards and the Shared Health Insurance Incentive Awards. The Mayor is further authorized to enter into necessary cooperative agreements with the County of Monroe and the Towns of Henrietta and Irondequoit in order to obtain said funding.

Section 2. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-37
Re: Resolution - Erie Canal Greenway
Grant Application

Transmitted herewith for your approval is a Resolution supporting an application by Corn Hill Navigation, Inc. for funding in the amount of \$25,000 from the Erie Canal Greenway Grant Program administered by the New York State Canal Corporation.

The Erie Canal Greenway Grant Program is providing a total of \$6 million in competitive grants to municipalities and non-profit organizations along the New York State Canal System. The grants support efforts to preserve and rehabilitate canal infrastructure, enhance recreational opportunities, and promote tourism, historic interpretation and community revitalization throughout the canal corridor. The grant requires a 50/50 match.

Corn Hill Navigation, Inc. (CHN) currently uses Corn Hill Landing on Exchange Boulevard for the opera-

tion of the "Mary Jemison" tour boat, and the Landing is the downtown gateway to the Erie Canal Greenway Trail system and Genesee River Trail. Parking for boat passengers as well as trail users is limited due to occupancy of the adjacent apartments and retail spaces. The current public parking is a gravel lot immediately south of the Landing or on Exchange Boulevard. This makes it difficult, if not impossible, for physically challenged individuals to access the Landing. The gravel lot also interrupts the trail from downtown to the south.

Corn Hill Navigation, Inc. has submitted an application for \$25,000 to partially fund paving and landscaping the overflow parking lot. Mark IV has committed a \$25,000 match to the grant, should it be received, to cover the total development cost of \$50,000. No City funding is required for the project. Development of the lot previously received Site Plan and Environmental Review by the City and received a negative declaration.

The Canal Corporation has contacted the applicant and requested a resolution from the City in support of the application.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-37
(Int. No. 378)

Resolution In Support Of Erie Canal Greenway Grant Application

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby supports the application by Corn Hill Navigation, Inc. for funding in the amount of \$25,000 from the Erie Canal Greenway Grant Program administered by the New York State Canal Corporation. The funding will be used for paving and landscaping of a parking lot that is needed for tour boat passengers on the canal and users of the Erie Canal Greenway Trail System and the Genesee Riverway Trail. The grant will enhance recreational opportunities and promote tourism along the canal corridor and will be matched by private funding.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-323
Re: Grant Application - Environmental
Protection Agency/Durand Eastman
Beach

Transmitted herewith for your approval is legislation authorizing an application for a Pollution Prevention and Toxics Reduction grant for Durand Eastman Beach. The US Environmental Protection Agency's Great Lakes National Program Office (GLNPO) has allocated up to \$6.1 million for approximately 35 to 55 projects to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes.

GLNPO requests proposals for pollution prevention,

reduction, or elimination, with an emphasis on substances which are persistent and toxic, especially those that accumulate, in the Great Lakes basin. The City will seek funds for the implementation of an in-stream treatment project that will result in toxic reductions and the eventual adoption of innovative ideas such as green engineering and other best management practices. A match is not required.

The City of Rochester will utilize the services of Lu Engineers, from an existing term contract, for the technical assistance needed to prepare this grant proposal. The City has committed to a program of stream diversion or treatment prior to the beginning of the 2007 Durand Beach operating season. The Monroe County Department of Health identified two storm water streams of immediate concern to public health and safety in a July 2004 report.

It is anticipated that additional funding for stream treatment will be allocated through the City's Capital Improvement Planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-323
(Int. No. 379)

Authorizing An Application And Agreement For Funding For Pollution Prevention At Durand Eastman Beach

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Environmental Protection Agency for funding under the Pollution Prevention and Toxics Reduction Program for a treatment program to reduce pollution in streams emptying into Lake Ontario at the Durand Eastman Beach.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-324
Re: Grant Application - Port of Rochester
Marina Development

Transmitted herewith for your approval is legislation authorizing a grant application to New York State for \$300,000 in federal funds available through the Boating Infrastructure Grant (BIG) program. The grant would partially fund design work for the Port of Rochester transient boat marina. The total cost for this design work is estimated to be \$475,000; \$175,000 will be provided by the City as the required local match.

The grant is funded through the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, signed into law August 10, 2005, with approximately \$12 million available nationwide

for 2007. For approved projects, funding is contingent upon presentation and approval of a detailed budget for the project; funds are provided on a reimbursement basis.

As you know, the City is in the process of designing and constructing infrastructure improvements at the Port, with several improvements nearing completion. The transient marina is currently in the planning phase, and requires coordination with the design of the tie-back system for a new Genesee River wall. Federal funding of the marina design would provide an important catalyst for increasing the priority of this project, enabling project construction in 2008, at the earliest.

A portion of the capital costs for marina construction is identified in the current Capital Improvement Program for FY 2008 using bond funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-324
(Int. No. 381)

Authorizing An Application And Agreement For Funding For The Boat Marina At The Port Of Rochester

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Parks, Recreation and Historic Preservation for funding under the Boating Infrastructure Grant Program for the Port of Rochester transient boat marina.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-325,
Ordinance No. 2006-326 And
Ordinance No. 2006-327
Re: Gregory Street Public Improvement
Project - Mt. Hope Avenue to South
Clinton Avenue

Transmitted herewith for your approval is legislation related to design of the Gregory Street Public Improvement Project. The legislation will:

1. Authorize acquisition, by negotiation or condemnation, of a *de minimus* parcel at 392-404 Mt. Hope Avenue;
2. Amend the Official Map by dedicating public right-of-way from a portion of 392-404 Mt. Hope Avenue;
3. Authorize these pavement width changes at the Ashland Street/Gregory Street Intersection:

- a. Tapering of the pavement from the existing 32 feet to 26 feet, beginning 85 feet west of Ashland Street, easterly for a distance of 60 feet;
- b. Narrowing of the pavement from 32 feet to 26 feet, beginning at the latter point to a point 25 feet east of Ashland Street; and
- c. Tapering of the pavement from 26 feet to the existing 32 feet, beginning at the latter point easterly for a distance of 60 feet;
4. Authorize installation of a recessed parking area on the north side of Gregory Street starting at a point 180 feet west of South Avenue and continuing easterly for 155 feet;
5. Authorize installation of a recessed parking area on the south side of Gregory Street starting at a point 115 feet west of South Avenue continuing easterly for 90 feet;
6. Authorize these pavement width changes at the Whalin Street/Gregory Street Intersection:
 - a. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at a point 55 feet west of the center of Whalin Street, easterly for a distance of 15 feet;
 - b. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at the latter point to a point 10 feet west of the center of Whalin Street; and
 - c. An increase of 6 feet, from 30 feet to the existing 36 feet, beginning at the latter point to a point 5 feet east of the center of Whalin Street; and
7. Authorize pavement width changes at the Cayuga Street/Gregory Street Intersection:
 - a. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at a point 45 feet west of the center of Cayuga Street to the bump-out; and
 - b. A decrease of 6 feet, from the existing 36 feet width to a 30 feet width, beginning at a point 55 feet east of the center of Cayuga Street to the bump-out.

The property acquisition will provide for construction of an improved turning radius at the corner of Gregory Street and Mt. Hope Avenue and for installation of sidewalk ramps. The property, approximately 21 square feet, owned by Shahida Enterprises, will be acquired for \$500, the value established by an independent appraisal from Robert G. Pogel, SRPA, and will be financed from the 2005-06 Cash Capital allocation. The associated Official Map Amendment was presented to the City Planning Commission on September 18, 2006, and is being recommended by a vote of 6 to 0.

The project, designed by the City Bureau of Architecture and Engineering Services of the Department of Environmental Services, includes rehabilitation/reconstruction of the pavement, installation of granite curbs, new concrete sidewalks, new water mains, hydrants and water services where required, catch basins, pavement markings, street lighting upgrades, topsoil and seed.

The recessed parking area was requested by the business owners in the area and can be included within the existing right-of-way. The changes at the Ashland Street intersections are intended as traffic calming measures as requested by Gregory Street residents. This narrowing will eliminate approximately four on-street parking spaces, which the residents are willing to concede.

The bump-outs at Whalin and Cayuga Streets are being installed in response to residents' concerns for pedestrian safety, and will provide for shorter crosswalks and traffic calming.

Funding for construction of the project is planned for in the 2006-07 and 2007-08 Capital Improvement Programs; the preliminary estimate is \$2,635,000. It is anticipated that the design will be completed this winter, and that construction will begin in the summer of 2007.

Public informational meetings for the project were held on July 27 and September 20, 2006. Copies of the minutes are attached.

The pavement width changes will be presented to the Traffic Control Board on October 3, 2006.

A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-110

Ordinance No. 2006-325
(Int. No. 359)

Authorizing The Acquisition By Negotiation Or Condemnation Of A Parcel For The Gregory Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following de minimis parcel for street purposes as a part of the Gregory Street Public Improvement Project:

| | |
|---------------|------------------------------|
| Address: | Pt. of 392-404 Mt. Hope Ave. |
| SBL#: | 121.63-2-62 |
| Owner: | Shahida Enterprises |
| Square feet: | 21+/- |
| Improvements: | Planter and shrubs |
| Value: | \$500 |

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$500, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2005-06 Cash Capital Allocation.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-326
(Int. No. 360)

Dedication Of Additional Parcel For Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Gregory Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 33 of the Munger Tract, and more particularly bounded and described as follows:

Beginning at the intersection of the northerly ROW line of Gregory Street (60' ROW) and the easterly ROW line of Mt. Hope Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) N 28°01'35" E, along said easterly ROW line of Mt. Hope Avenue, a distance of 7.00 feet to a point; thence
- 2) S 32°31'04" E, through said Lot 33 and the lands of Shahida Enterprises, Inc., a distance of 6.88 feet to the said northerly ROW line of Gregory Street; thence
- 3) S 86°56'19" W, along said northerly ROW line, a distance of 7.00 feet to the said easterly ROW line of Mt. Hope Avenue, said intersection being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 21+/- square feet to be dedicated for highway purposes. Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to Shahida Enterprises, Inc. by a deed dated August 4, 1997 and filed in the Monroe County Clerk's Office in Liber 8905, Page 333.

Section 2. The dedication authorized herein shall take effect upon acquisition of the parcel by the City.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-327
(Int. No. 361)

Approving Changes In The Pavement Width Of Gregory Street Between Mt. Hope Avenue And South Clinton Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Gregory Street at the Ashland Street/Gregory Street intersection:

- a. Tapering of the pavement from the existing 32 feet to 26 feet, beginning 85 feet west of Ashland

Street, easterly for a distance of 60 feet;

- b. Narrowing of the pavement from 32 feet to 26 feet, beginning at the latter point to a point 25 feet east of Ashland Street; and
- c. Tapering of the pavement from 26 feet to the existing 32 feet, beginning at the latter point easterly for a distance of 60 feet.

Section 2. The Council hereby approves the installation of a recessed parking area on the north side of Gregory Street starting at a point 180 feet west of South Avenue and continuing easterly for 155 feet.

Section 3. The Council hereby approves the installation of a recessed parking area on the south side of Gregory Street starting at a point 115 feet west of South Avenue continuing easterly for 90 feet.

Section 4. The Council hereby approves the following changes in the pavement width of Gregory Street at the Whalin Street/Gregory Street intersection:

- a. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at a point 55 feet west of the center of Whalin Street, easterly for a distance of 15 feet;
- b. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at the latter point to a point 10 feet west of the center of Whalin Street; and
- c. An increase of 6 feet, from 30 feet to the existing 36 feet, beginning at the latter point to a point 5 feet east of the center of Whalin Street.

Section 5. The Council hereby approves the following changes in the pavement width of Gregory Street at the Cayuga Street/Gregory Street Intersection:

- a. A decrease of 6 feet, from the existing 36 feet to 30 feet, beginning at a point 45 feet west of the center of Cayuga Street to the bump out; and
- b. A decrease of 6 feet, from the existing 36 feet width to a 30 feet width, beginning at a point 55 feet east of the center of Cayuga Street to the bump out.

Section 6. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-328
Re: Joseph Avenue Improvement Project:
Ward Street - Upper Falls Boulevard
and Clifford Avenue - Avenue D

Transmitted herewith for your approval is legislation related to the Joseph Avenue Improvement Project. This legislation will:

1. Authorize geometric changes on Joseph Avenue

between Ward Street and Upper Falls Boulevard as follows:

- a. Removal of the of the curbed median in the center of Joseph Avenue from 26 feet south of the centerline of Ward Street to 60 feet north of the centerline of Ward Street;
 - b. A narrowing from a variable existing width of 39 feet to 44 feet, to a variable width of 41 feet to 38 feet, beginning from 55 feet south of the centerline of Ward Street to Ward Street;
 - c. A narrowing from the existing width of 44 feet to 38 feet, beginning at Ward Street and ending at 135 feet south of the centerline of Upper Falls Boulevard;
 - d. A narrowing from the existing width of 44 feet to 40 feet, beginning from the previous point to Upper Falls Boulevard;
 - e. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 28 feet, beginning from a point 68 feet south of the centerline of Kelly Street to a point 50 feet north of the centerline of Kelly Street;
 - f. A further narrowing of 5 feet along the western side in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 33 feet, beginning at a point 48 feet south of the centerline of Baden Street to a point 15 feet north of the centerline of Baden Street;
 - g. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 28 feet, beginning from the latter point to a point 58 feet north of the centerline of Baden Street;
 - h. A further narrowing of 5 feet along the western side in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 33 feet, beginning at 39 feet south of the centerline of Vienna St. 15 feet north of the centerline of Vienna St;
 - i. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from existing width of 44 feet to 28 feet, beginning from the latter point to a point 54 feet north of the centerline of Vienna Street; and
 - j. A further narrowing of 2 feet in addition to the aforementioned 6 foot narrowing, from the width of 44 feet to 36 feet starting 215 feet south of the centerline of Upper Falls Boulevard, and tapering to the proposed width of 40 feet 135 feet south of the centerline of Upper Falls Boulevard;
2. Authorize geometric changes on Joseph Avenue between Avenue D and Clifford Avenue as follows:
 - a. A narrowing from the existing width of 42 feet to 40 feet, beginning at Clifford Avenue to a point 125 feet south of the centerline of Clifford Avenue;
 - b. A taper from an existing width of 42 feet to a

variable width of 40 feet to 38 feet beginning at the latter point to a point 150 feet north of the centerline of Clifford Avenue;

- c. A narrowing from the existing width of 42 feet to 38 feet, beginning at the latter point to a point 115 feet south of the centerline of Avenue D;
- d. A narrowing from the existing width of 42 feet to 40 feet, beginning at the latter point to Avenue D;
- e. A further narrowing of 5 feet along the eastern side in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 33 feet, beginning at a point 70 feet south of the centerline of De Jonge Street to a point 48 feet south of the centerline of De Jonge Street;
- f. A further narrowing of 10 feet in addition to the aforementioned 4 foot narrowing, from existing width of 42 feet to 28 feet, beginning from the latter point to the centerline of De Jonge Street;
- g. A further narrowing of 10 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 28 feet, beginning from Wilkins Street to a point 50 feet north of the centerline of Wilkins Street;
- h. A further narrowing of 5 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 33 feet, beginning from a point 51 feet south of the centerline of Eiffel Place to Eiffel Place;
- i. A further narrowing of 7 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 31 feet starting 208 feet south of the centerline of Avenue D, and tapering 40 feet 115 feet south of the centerline of Avenue D; and
- j. A widening from the existing width of 34 feet to 37 feet by modifying the existing curb extension on Joseph Avenue at the north west corner of Joseph Avenue and Avenue D.

Design of the project by Corneles Engineering, P.C. was authorized by Council in October 2005. The project features include rehabilitation of the pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting and water mains, as required; and trees.

The proposed pavement width changes on Joseph Avenue will continue to allow for two-sided parking while making the street more pedestrian friendly by lessening the crossing distance and allowing for better visibility of pedestrians. The changes at the signalized intersections will allow for the proper alignment of the left turn only lanes. The changes will be accomplished within the existing right-of-way.

The cost of construction is estimated at \$2,718,000 which is provided for in the 2005-06 Capital Improvement Program. It is anticipated that design of the project will be completed by this winter and that construction will begin in the spring of 2007.

A public informational meeting was held on August 8, 2006; the minutes of this meeting are attached. The

changes in pavement width are expected to be endorsed by the Traffic Control Board on October 3, 2006.

A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-111

Ordinance No. 2006-328
(Int. No. 362)

Approving Changes In The Pavement Width Of Joseph Avenue Between Ward Street And Upper Falls Boulevard

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Joseph Avenue between Ward Street and Upper Falls Boulevard:

- a. Removal of the curbed median in the center of Joseph Avenue from 26 feet south the centerline of Ward Street to 60 feet north of the centerline of Ward Street;
- b. A narrowing from a variable existing width of 39 feet to 44 feet, to a variable width of 41 feet to 38 feet, beginning from a point 55 feet south of the centerline of Ward Street to Ward Street;
- c. A narrowing from the existing width of 44 feet to 38 feet, beginning at Ward Street and ending 135 feet south of the centerline of Upper Falls Boulevard;
- d. A narrowing from the existing width of 44 feet to 40 feet, beginning from the previous point to Upper Falls Boulevard;
- e. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 28 feet, beginning from a point 68 feet south of the centerline of Kelly Street to a point 50 feet north of the centerline of Kelly Street;
- f. A further narrowing of 5 feet along the western side in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 33 feet, beginning at a point 48 feet south of the centerline of Baden Street to a point 15 feet north of the centerline of Baden Street;
- g. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 28 feet, beginning from the latter point to a point 58 feet north of the centerline of Baden Street;
- h. A further narrowing of 5 feet along the western side in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 33 feet, beginning at a point 39 feet south of the centerline of Vienna Street to a point 15 feet north of the centerline of Vienna Street;
- i. A further narrowing of 10 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 28 feet, beginning from

the latter point to a point 54 feet north of the centerline of Vienna Street; and

- j. A further narrowing of 2 feet in addition to the aforementioned 6 foot narrowing, from the existing width of 44 feet to 36 feet starting 215 feet south of the centerline of Upper Falls Boulevard, and tapering to a width of 40 feet 135 feet south of the centerline of Upper Falls Boulevard.

Section 2. The Council hereby approves the following changes in the pavement width of Joseph Avenue between Avenue D and Clifford Avenue:

- a. A narrowing from the existing width of 42 feet to 40 feet, beginning at Clifford Avenue to a point 125 feet south of the centerline of Clifford Avenue;
- b. A taper from an existing width of 42 feet to a variable width of 40 feet to 38 feet beginning at the latter point to a point 150 feet north of the centerline of Clifford Avenue;
- c. A narrowing from the existing width of 42 feet to 38 feet, beginning at the latter point to a point 115 feet south of the centerline of Avenue D;
- d. A narrowing from the existing width of 42 feet to 40 feet, beginning at the latter point to Avenue D;
- e. A further narrowing of 5 feet along the eastern side in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 33 feet, beginning at a point 70 feet south of the centerline of De Jonge Street to a point 48 feet south of the centerline of De Jonge Street;
- f. A further narrowing of 10 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 28 feet, beginning from the latter point to the centerline of De Jonge Street;
- g. A further narrowing of 10 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 28 feet, beginning from Wilkins Street to a point 50 feet north of the centerline of Wilkins Street;
- h. A further narrowing of 5 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 33 feet, beginning from a point 51 feet south of the centerline of Eiffel Place to Eiffel Place;
- i. A further narrowing of 7 feet in addition to the aforementioned 4 foot narrowing, from the existing width of 42 feet to 31 feet starting 208 feet south of the centerline of Avenue D, and tapering to 40 feet 115 feet south of the centerline of Avenue D; and
- j. A widening from the existing width of 34 feet to 37 feet by modifying the existing curb extension on Joseph Avenue at the north west corner of Joseph Avenue and Avenue D.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-329
Re: 2006-07 Budget Amendment -
Fall Clean Sweep

Transmitted herewith for your approval is legislation amending the 2006-07 Budget to provide funding for the Fall Clean Sweep Initiative. This legislation will transfer \$75,100 from the Contingency Account and appropriate \$8,600 from the Refuse Fund balance to be included in department budgets as follows:

| | |
|--------------------------------------|----------|
| Department of Environmental Services | \$69,300 |
| Neighborhood Empowerment Teams | 14,400 |
| Total | \$83,700 |

The total projected cost includes tee shirts, supplies, overtime for required equipment operators, disposal costs, and breakfast for the volunteers. Private contributions will fund the marketing plan and Wegmans has donated hot dogs and buns for a volunteer lunch.

The Spring Clean Sweep Initiative was very successful. City personnel, along with volunteers, over six spring Saturdays, collected over 1,500 tons of debris. As a result, a second Clean Sweep Initiative is planned for October 14 and October 21, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-115

Councilmember Stevenson moved to discharge Int. No. 376 from Committee.

The motion was seconded by Councilmember Pritchard

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2006-329
(Int. No. 376)

Amending The 2006-07 Budget With Respect To The Fall Clean Sweep

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$75,100 from the Contingency Account and increasing revenue estimates and appropriations by the sum of \$8,600, which amount is hereby appropriated from the Refuse Fund, in order to fund the Fall Clean Sweep in the Department of Environmental Services (\$69,300) and the Neighborhood Empowerment Teams (\$14,400).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
October 17, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 363 - Cancellation Of Taxes And Charges

Int. No. 364 - Resolution Establishing The Schedule For The Regular Council Meetings During 2007

Int. No. 365 - Amending The Municipal Code With Respect To Elections

Int. No. 366 - Amending The 2006-07 Budget With Respect To Compensation For Election Inspectors

Int. No. 367 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Investigative Services

Int. No. 369 - Authorizing An Agreement For A Substance Abuse Prevention Program

Int. No. 380 - Establishing Maximum Compensation For A Professional Services Agreement For The Teen Court Program

The following entitled legislation is being held in committee:

Int. No. 368 - Authorizing Agreements For Human Services Programs

Int. No. 370 - Amending Ordinance No. 2006-127, Relating To The Friends & Families Of Murdered Children Project

Respectfully submitted,
Carolee A. Conklin
Dana K. Miller
Gladys Santiago (Voted on Int. No. 369 and Int. No. 380)

FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-330
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$26,900.

The total sum of \$26,900 applies to seven properties that have code violations that were incurred by a former owner.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$282,815.47.

Accounts Amounts

| | | |
|----------------|-----|--------------|
| City Council | 57 | \$244,647.92 |
| Administrative | 96 | 38,167.55 |
| Total | 153 | \$282,815.47 |

These cancellations represent .123% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-112

Ordinance No. 2006-330
(Int. No. 363)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties recently transferred ownership and the code violations were issued against the former owner and the charges remain unpaid.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Amount</u> |
|----------------------|-----------------|------------------|
| <u>Address</u> | <u>Tax Year</u> | <u>Cancelled</u> |
| 091.650-0001-011 | H | |
| 839-841 Norton St. | 2007 | \$ 7,050.00 |
| 091.710-0003-012 | H | |
| 50 Van Stallen St. | 2007 | 3,400.00 |
| 105.410-0003-067.001 | H | |
| 30 Bauer St. | 2007 | 2,250.00 |
| 105.810-0001-041 | H | |
| 4 Schley Pl. | 2007 | 1,800.00 |
| 105.810-0002-046 | H | |
| 788 Jay St. | 2007 | 1,900.00 |
| 106.510-0002-072 | H | |
| 164-166 Second St. | 2007 | 2,700.00 |
| 107.550-0003-036 | H | |
| 1161-1165 Culver Rd. | 2007 | 7,800.00 |
| Grand Total | | \$26,900.00 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-38
Re: Resolution Establishing The Schedule
For The Regular Council Meetings
During 2007

Transmitted herewith for your approval is a resolution that establishes the 2007 City Council meeting schedule.

The proposed schedule has been reviewed by Coun-

cil staff and the Mayor's office in order to eliminate any potential conflicts with either civic or religious holidays. The number of scheduled regular meetings is the same as the current year. The only variance from the normal procedure is the shift of the September Committee Meetings to Wednesday, September 12 at 2:00 P.M. to avoid a conflict with Rosh Hoshanna.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2006-38
(Int. No. 364)

Resolution Establishing The Schedule For The Regular Council Meetings During 2007

WHEREAS, City Council adopted the current Rules of Council on January 3, 2006, by Resolution No. 2006-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2006 and indicated that the schedule for 2007 would be established in a Resolution adopted during 2006,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The following shall be the schedule of regular meetings of the Council for 2007 to be held in the Council Chambers, City Hall, at 8:00 P.M.

January 16
February 13
March 20
April 17
May 15
June 19
July 17
August 21
September 18
October 16
November 13
December 18

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for the regular meeting falls on a legal holiday, the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-331 And
Ordinance No. 2006-332
Re: Elections and Election Inspectors

Transmitted herewith for your approval is legislation amending the City Code in regard to Elections and Election Inspectors and amending the 2006-07 Budget of the City Council/City Clerk. The Code amendments reflect the responsibility of Monroe County to set and pay for Election Inspector compensation and they abolish the section of the Code that requires City Council to select voting machines.

In Chapter 180 of the Laws of 2005, NY State en-

acted legislation that both requires County Boards of Elections to fix and pay the compensation of Inspectors and delegates to them the responsibility for selecting voting machines. In August 2006, Monroe County complied with this mandate by fixing the hourly compensation for Election Inspectors at \$10.00 per hour; the legislation also established stipends for Coordinators, and schedules for mileage reimbursement and attendance at training sessions. A copy of that legislation is on file in the City Clerk's Office.

As you know, the City Council has previously had the responsibility to establish the salaries and fees for Election Inspectors and to include such expenditures in the Council/Clerk annual budgets. Under the new State and County laws, the City will pay the fees established by the County, but will be fully reimbursed for those expenses.

The current compensation for such Election Inspectors is \$6.75 per hour, and the total budgeted amount for 2006-07 is \$155,800. The changes in compensation will increase the total in that line by \$121,500 to \$277,300. The proposed budget amendment will increase the Council/Clerk budget by that amount from anticipated reimbursements from Monroe County.

The legislation will be retroactive to the date of the September Primary Election.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2006-331
(Int. No. 365)

Amending The Municipal Code With Respect To Elections

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 14-20 of the Municipal Code, Compensation of Election Inspectors, is hereby amended to read in its entirety as follows:

Section 14-20. Compensation of Election Inspectors.

The compensation of Inspectors of Election of the City of Rochester shall be fixed and paid by the County of Monroe.

Section 2. Section 14-21 of the Municipal Code, Voting machines, is hereby repealed.

Section 3. This ordinance shall take effect immediately and shall apply retroactively to September 12, 2006.

Passed unanimously.

Ordinance No. 2006-332
(Int. No. 366)

Amending The 2006-07 Budget With Respect To Compensation For Election Inspectors

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates

and appropriations to the City Council and Clerk by the sum of \$121,500, which amount is hereby appropriated from reimbursements from the County of Monroe to fund payments to election inspectors.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-333
Re: Agreement - Litigation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Investigative Associates for the provision of investigative services relating to certain litigation involving the City. The maximum cost of the amendatory agreement will be \$7,500, which will be financed from the 2006-07 Budget of the Law Department. The City currently has agreements with Investigative Associates for such services at a maximum cost of \$9,500. This amendment will provide for services through 2006-07.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. The Council periodically authorizes agreements with private investigators, medical experts, or others for these services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-333
(Int. No. 367)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Investigative Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Investigative Associates for investigative services in connection with a claim made against the City. Said amount shall be funded from the 2006-07 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-334
Re: Substance Abuse Grant Agreement

Transmitted herewith for your approval is legislation establishing \$52,200 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential (MCTP) for services related to reducing substance abuse.

This is the second year of the project. The overall

goal of the project is to reduce substance abuse, especially alcohol and marijuana, among youth ages 11 to 18, through the efforts of HEART (Health Excellence Achievement Responsibility Truth), a community-wide coalition. The coalition includes a diverse group of youth and adults from Action for a Better Community, Baden Street Settlement, City of Rochester Recreation and Youth Services Department, Dazzle Theater, In-Control, Nazareth College Center for Service Learning, ROC Music Group, Rochester AmeriCorps, Rochester City School District, Rochester Community Channel 15, Rochester General Hospital, Rochester Police Department, Rochester-Monroe County Youth Voice, One Vision, Rochester WB-16, and the University of Rochester.

MCTP will direct the project, coordinate the community coalition, and oversee needs assessment, analysis and evaluation. MCTP and the Bureau of Recreation will promote social marketing and engage parents and Rochester City School District teachers in substance abuse prevention. The social marketing campaign involves the creation of public service announcements, skits, music, and murals by youth to deal with the many issues surrounding substance abuse. The parent engagement will include 100 parents in a five-part "Family Talk" workshop series. RCSD health teachers will continue again this year to promote the initiative in their classrooms. The coalition is working with the health teachers to create study guides for the Public Service Announcements that can be utilized in the classrooms.

The source of funds for the agreement is a five-year \$500,000 federal grant from the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. The amount for this year, \$100,000, was included in the 2006-07 Department of Recreation and Youth Services budget.

208 youth participated in the social marketing materials and discussion guide portion of the program last year; demographic breakdown for this group is as follows:

| | |
|------------------|-----|
| African-American | 161 |
| Hispanic | 32 |
| Caucasian | 15 |
| Total | 208 |

| | |
|--------|-----|
| Male | 108 |
| Female | 100 |
| Total | 208 |

Last year, five health classes of the RCSD participated in the program with 240 students. This year the marketing materials will include those created last year along with new ones created by this year's participants.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-334
(Int. No. 369)

Authorizing An Agreement For A Substance Abuse Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby further authorized to enter into an agreement with the Baden Street Settle-

ment for Youth, Inc./Metro Council for Teen Potential for services relating to the substance abuse prevention program for youth.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$52,200, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-335
Re: Teen Court Program

Transmitted herewith for your approval is legislation authorizing \$19,000 as maximum compensation for an agreement with Valerie Sullivan, 214 Penhurst Street, Rochester, for service to the City of Rochester's Teen Court Program. Ms. Sullivan will provide youth intake services through March 30, 2007. This cost will be funded from the 2006-07 Budget of the Mayor's Office.

The City is seeking an external agency to administer the Teen Court Program, with potential expansion of targeted youth at lower age levels as well as additional intake locations outside of the traditional court system. Agencies are in the final stages of proposal development, and a final decision will be reached by mid-October. It is expected that information on the selected agency will be available prior to the October 17 Council meeting.

The agency identified will have primary administrative and operational responsibility for the Teen Court Program as of April 1, 2007. It is anticipated that in-kind services will continue to be provided by the Monroe County and City Court Systems.

A copy of Ms. Sullivan's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-335
(Int. No. 380)

Establishing Maximum Compensation For A Professional Services Agreement For The Teen Court Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$19,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Valerie Sullivan for youth intake services for the Teen Court Program. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Douglas moved to discharge Introductories No. 368 and 370 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-336
Re: Agreements and Appropriations -
Human Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation, as follows, for agreements with these organizations for Human Services Projects:

| | |
|---|----------|
| Colleen Hendrick Dance Theater Bush Mango Drum & Dance | \$10,000 |
| Crestwood Children's Center Family Talk Program | \$10,000 |
| YMCA of Greater Rochester Teen City Southwest | \$25,000 |

Bush Mango Drum & Dance and the Family Talk Program are considered projects with matching funds and are eligible for up to five years of funding. This will be the first year of funding for both. Funding will be provided from the Job Creation/Youth Development allocation of the 2006-07 Community Development Block Grant.

The Bush Mango Drum & Dance project will provide performance arts training in West African singing, music, and dance to 220 youth in after-school and weekend program activities. Weekly activities will take place at their 34 Elton Street studio center, an 8,000 square foot facility.

The Family Talk Program will train adult program facilitators to train parents in communication techniques to use with their children when discussing difficult youth-related issues. Fifteen trainers will be trained using the best practices "Family Talk" curriculum, who will then train 150 parents. Training will be held at various locations in the city, including churches, schools, PTAs, CBOs, and community centers.

The YMCA Teen City Southwest project, although currently in its fifth and final year of CDBG funding, has requested an additional year of Emergency/Transitional funding. Southwest Teen City is in an area where violent crime has unexpectedly and dramatically escalated over the past five years. The YMCA has made a commitment to the community to provide programs for area youth and offer them a safe after-school alternative. Programs here over the past two years have focused on tutoring services and social

interaction activities. The acquisition of a new bus has enabled youth to take advantage of partner programs and activities in the Maplewood neighborhood.

Also, in the last year the need for youth services has increased and the teen usage of the Southwest facility has grown. The program has extended hours to 2:00 to 8:00 on weekdays and offers special weekend events. Ken Lee, the Executive Director of the branch, continues his recruitment and outreach efforts. Programs for youth have outgrown the designated budget; the Southwest Y is requesting an additional year of funding while they address this increased need for programming for Sector 4 youth.

The YMCA Teen City project will be financed from the Emergency/Transitional Funding allocation of the 2006-07 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-113

Ordinance No. 2006-336
(Int. No. 368)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

| <u>Organization Project</u> | <u>Amount</u> |
|---|---------------|
| Colleen Hendrick Dance Theater Bush Mango Drum & Dance | \$10,000 |
| Crestwood Children's Center Family Talk Program | 10,000 |
| YMCA of Greater Rochester Teen City Southwest | 25,000 |

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$45,000, and of said amount, or so much thereof as may be necessary, \$25,000 is hereby appropriated from the Emergency/Transitional Allocation of the 2006-07 Community Development Program and \$20,000 is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-337
Re: Agreement - Community Place of
Rochester, Inc. - Friends and Families
of Murdered Children

Transmitted herewith for your approval is legislation amending Ordinance No. 2006-127, which authorized Camp Good Days and Special Times, Inc. to administer the Friends and Families of Murdered Children (FFMC) program. Ordinance No. 2006-127 will be amended to:

1. Transfer administration of the FFMC program to Community Place of Rochester, Inc.
2. Increase the maximum compensation for the agreement to \$68,308, with the additional \$2,308 being funded from the 2005-06 Budget of the Mayor's Office.

FFMC was established by the City in 1994 to address the impact of homicide and traumatic loss in the community. The group provides complete support to survivors of homicide victims, including: immediate crisis intervention; support through the entire court process; on-going support groups; and community education.

As you know, the group has been in the process of structural reorganization. The settlement of debts (through other grant funds) accrued while continuing to provide service, has occurred as stipulated in Ordinance No. 2006-127. These debts were less than anticipated; the remaining funds are reflected in #2 above. The current board of directors has agreed to transfer administration of the FFMC program to Community Place of Rochester, Inc. A budget and staff descriptions are attached.

The term of this agreement will be from October 23, 2006 through October 22, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-114

Ordinance No. 2006-337
(Int. No. 370)

Amending Ordinance No. 2006-127, Relating To The Friends & Families Of Murdered Children Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 2 of Ordinance No. 2006-127, relating to the Friends & Families of Murdered Children Project, is hereby amended by authorizing the agreement with Community Place of Rochester, Inc. instead of Camp Good Days & Special Times, Inc.

Section 2. Section 3 of Ordinance No. 2006-127 is hereby amended by changing the maximum amount of the agreement from \$66,000 to \$68,308, and said additional amount of \$2,308, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Office of the Mayor.

Section 3. Section 4 of Ordinance No. 2006-127 is hereby amended by reducing the maximum amount of the agreements authorized therein from \$14,000 to \$11,692, with the amount of the reduction being re-

authorized in Section 2 hereof.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
October 17, 2006

To the Council:

The following entitled legislation is being held in the Public Safety Committee:

Int. No. 371 - Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

Int. No. 375 - Authorizing An Agreement With Respect To Project IMPACT III And Amending The 2006-07 Budget And Ordinance No. 2006-306

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

Councilmember McFadden moved to discharge Introductory No. 371 and 375 from Committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-338
Re: Tobacco Sales Enforcement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for reimbursement of costs to the Rochester Police Department for the Tobacco Sales Enforcement Program.

This will enable the continuation of the Police Department's inspections of licensed tobacco outlets, including cigarette vending machines, in the city. These inspections monitor compliance with age restrictions on tobacco sales, by utilizing underage "agents" who attempt to buy tobacco in violation of the law. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for proper documents and certificates.

This agreement extends an enforcement program begun in April 1998 and most recently approved in July 2005 under Ordinance No. 2005-244. Monroe County Department of Health will reimburse costs, not to exceed \$32,000, for up to 400 compliance checks during the period July 1, 2006 through June 30, 2007.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2006-338
(Int. No. 371)

Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the Tobacco Sales Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-339
Re: Amending Ordinance No. 2006-306 and the 2006-07 Budget - IMPACT III

Transmitted herewith for your approval is legislation amending Ordinance No. 2006-306 to indicate that the City's grant award agreements for IMPACT III will be executed with the New York State Division of Criminal Justice Services, rather than Monroe County; and amending the 2006-07 Budget Cash Capital allocation by \$125,000 reflecting an increased Project IMPACT III grant award from the NYS Division of Criminal Justice Services.

The initial IMPACT III award, authorized in September 2006, provided a total of \$397,800 for initiatives to reduce violent crime through improved coordination of federal, state, and other local criminal justice agencies. The additional award of \$125,000 will underwrite software enhancements for the Records Management System to improve crime analysis and information sharing under IMPACT III.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-339
(Int. No. 375)

Authorizing An Agreement With Respect To Project IMPACT III And Amending The 2006-07 Budget And Ordinance No. 2006-306

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding under Project IMPACT III. Ordinance No. 2006-306, relating to Project IMPACT III, is hereby amended to authorize the agreement with the New York State Division of Criminal Justice Services instead of the County of Monroe.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$125,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
October 17, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 372 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Parking Garage

Int. No. 373 - Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The Midtown Parking Garage

Int. No. 374 - Resolution Approving Relocation To The Monroe County Empire Zone

Respectfully submitted,
William F. Pritchard
Adam C. McFadden (Voted against Int. No. 374)
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-340
Re: South Avenue Garage

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with WJE Engineers & Architects, PC, New York City, for additional services related to the South Avenue Parking Garage in the amount of \$70,000. This will increase the total maximum amount of the agreement to \$140,000. The cost of the amendatory agreement will be funded from the bond appropriation authorized by City Council on August 9, 2005.

The South Avenue Garage Safety Study, performed by WJE Engineers & Architects, PC, as authorized by Council in May, 2006, identified immediate safety concerns which have been addressed, and the garage was partially opened on August 31st. The reopening made available 900 parking spaces.

In June 2006, Council authorized an amendatory agreement with WJE to provide for additional evaluations and consultations related to the garage reopening and the City's garage maintenance program.

The amendatory agreement requested herein will provide for additional consultation during the ongoing rehabilitation of the garage. Rehabilitation began in Fall 2005 and is being performed by Crane-Hogan Construction Company. The rehabilitation involves structural repair of concrete decks, beams and columns, expansion joint seals, waterproofing, and pre-cast concrete wall panels; replacement of deck drains and piping; and replacement or repair of electric switch gear, panels and lighting. As previously anticipated, the rehabilitation is scheduled for completion in 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-340
(Int. No. 372)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and WJE Engineers & Architects, P.C. for consultation with respect to the rehabilitation of the South Avenue Parking Garage. Said amount shall be funded from Bond Ordinance No. 2005-267.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-341
Re: Midtown Parking Garage Repairs

Transmitted herewith for your approval is legislation establishing \$29,000 as maximum compensation for an agreement with Herrick-Saylor Engineers, P.C., for engineering design and construction services related to repairs at Midtown Parking Garage. The cost of the agreement will be financed from the 2004-05 (\$14,000) and 2005-06 (\$15,000) Municipal Parking Cash Capital allocations.

A 2006 Study of Water Infiltration into the Parking Area was performed by Herrick-Saylor, as authorized by Council in April 2005. The study identified points of infiltration and damage caused by the infiltration. Based on the recommendations of the study, proposals for design of repairs were solicited from twelve firms; responses were received from two firms: Herrick-Saylor, and FRA Engineers. Herrick-Saylor Engineers was selected based on its familiarity with the site from the study portion of the project, the qualifications of the team assigned to the project, and the firm's ability to perform within the City's project schedule.

Design is expected to begin this year and construction is anticipated to begin in the summer of 2007. The estimated cost of the repairs is \$110,000 which is planned for in the 2005-06 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-39
(Int. No. 374)

Ordinance No. 2006-341
(Int. No. 373)

Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The Midtown Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$29,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Herrick-Saylor Engineers, P.C. for engineering design and construction services with respect to repairs to the Midtown Parking Garage. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$14,000 shall be funded from the 2004-05 Cash Capital Allocation and \$15,000 shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-39
Re: Empire Zone Shift of Operations -
Patient Info Systems, Inc. &
Subsidiaries, d/b/a Careguide

Transmitted herewith for your approval is legislation approving a request, related to Empire Zone status, of Patient Info Systems, Inc. & Subsidiaries, d/b/a Careguide which is relocating from 46 Prince Street in the City to 755 Jefferson Road in the Town of Henrietta.

Patient Info Systems of Rochester merged with Careguide of Florida in January 2006 to create a firm providing information-based health and care management services. After the merger, the company initially intended to move operations out of state, but ultimately decided to stay in the Rochester area. They considered several locations within the City, including One City Centre, the Sibley Building, Corporate Place, Chase Tower, Clinton Square, HSBC Plaza, 170 North Water Street, 150 State Street, 50 Prince Street, 400 West Avenue, the Crossroads Building, the Sagamore on East and First Federal Plaza. For a variety of reasons (cost, size, multiple floors, parking expense), none of these locations were suitable.

In order to take advantage of Empire Zone benefits, the company is seeking to have the 755 Jefferson Road location designated as a Regionally Significant Empire Zone Project within the Monroe County Empire Zone. New York State law allows for Empire Zone certification for a business shifting its operations within the State into an Empire Zone, only if the shift is approved by the municipality from which the company is relocating.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Patient Info Systems, Inc. & subsidiaries, d/b/a Careguide (the "Company"), a single-source provider of information-based health and care management services located at 46 Prince Street, Rochester, New York in the City of Rochester will be relocating to 755 Jefferson Road in the Town of Henrietta, and

WHEREAS, the Company employs 42 people, including 22 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when they merged with Patient Infosystems of Rochester and outgrew their current facility at 46 Prince Street. Careguide looked at several locations within the City of Rochester, but were unable to find a suitable location within the City that fit their business needs, and

WHEREAS, Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing on October 17, 2006 at City Hall, 30 Church Street, Rochester, New York 14614,

NOW, THEREFORE BE IT RESOLVED, that the Rochester City Council consents to the relocation of Patient Info Systems, Inc. & subsidiaries, d/b/a Careguide from the City of Rochester to the Monroe County Empire Zone in the Town of Henrietta.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:48 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
NOVEMBER 14, 2006**

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Darson Rupert

Gary Sacco

DRYS

*Wayne D. Keyel

Finance

*Mary Miller

Fire

*David Dinicola

*Carl E. Herrmann
Police
*Joseph F. McGuigan Jr.
*Thomas A. Janssen
**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of October 17, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3860-7
Public Disclosure - HOME Participation 3861-7
Quarterly Reports 3862-7

The Corporation Counsel Submits Settlements of Tax Assessment Proceedings 3863-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Dartmouth Street residents requesting speed humps
Petition No. 1619

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Approving The Sale By The Rochester Urban Renewal Agency To WCP Housing Development Fund Corporation Of 225-235 Joseph Avenue In The Upper Falls Urban Renewal Project, NYR-188
Int. No. 389 No Speakers.

Authorizing A Decrease In The Pavement Width Of Litchfield Street At Its Intersection With West Main Street Int. No. 394 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 14, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 382 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 383 - Amending Ordinance No. 2005-71 Relating To The Sale Of Real Estate

Int. No. 384 - Authorizing An Agreement For Fair

Housing Lending Monitoring Services

Int. No. 385 - Authorizing Extension Of Agreements For The Asset Control Area Program

Int. No. 386 - Authorizing A Grant Agreement For The Susan B. Anthony Apartments Project

Int. No. 387 - Authorizing An Agreement For The Culture Builds Communities Program

Int. No. 388 - Resolution Approving Appointments To The Rochester Public Library Board Of Trustees

Int. No. 410 - Resolution Authorizing An Exception To The City School District Debt Limit For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project

Int. No. 411 - Local Law Reallocating 2006-07 Debt-Incurring Power Between The City And City School District For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 389 - Approving The Sale By The Rochester Urban Renewal Agency To WCP Housing Development Fund Corporation Of 225-235 Joseph Avenue In The Upper Falls Urban Renewal Project, NYR-188

Int. No. 390 - Approving A Loan Agreement For The Wilson Commencement Park Rental Housing Project

Int. No. 391 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Wilson Commencement Park Rental Housing Project And Amending Ordinance No. 2006-39, As Amended

Respectfully submitted,
Carolee A. Conklin
Benjamin Douglas
John F. Lightfoot
Lois J. Giess (Voted on Int. No. 410 and Int. No. 411)

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-342 And
Ordinance No. 2006-343
Re: Sale of Real Estate and
Amending Ordinance No. 2005-71

Transmitted herewith for your approval is legislation approving the sale of six properties, and amending Ordinance No. 2005-71 relating to the sale of real estate. Staff has audited the City records to ensure that purchasers, other than those of unbuildable vacant land, do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first two properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures within nine months of closing.

The last four properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendment

Ordinance No. 2005-71 will be amended to correct the sale of 246 Wilkins Street to Cruz Iris Tapia, rather than Neysa Padilla, whose name was inadvertently included in the original ordinance.

All City taxes and other charges, except water charges, against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-116

Ordinance No. 2006-342
(Int. No. 382, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

| Address S.B.L.# | Lot Size Purchaser | Legal Use | Price |
|----------------------------------|--|--------------|----------|
| 467 Emerson St. 105.41-2-43 | 40x110 T&J Estates Prop., LLC* | 2 Family | \$20,000 |
| 723-725 Maple St. 120.33-1-36 | 52x100 Paul Parnell | 1 Family | 14,000 |
| 39 Owen St. 090.43-3-39 | 40x70 Gemstone Real Estate Fund I, LLC** | 1 Family | 5,500 |

*Members: David Judah; Howard Thomas

**Members: Arlene Leenhouts, Norman Leenhouts, Bob Tait, Amy Tait

Section 2. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Purchaser | Lot Size | Sq. Ft. |
|--|--|-------------|---------|
| E Portion of 579 S. Goodman St. Pt of 121.66-1-62 | 32x78 Rochester Housing Authority* | 2509± | |
| W Portion of 579 S. Goodman St. Pt of 121.66-1-62 | 23x57 Frank Tripi | 1321± | |

| | | |
|--|---|-------|
| EH of 10 Kappel Pl. Pt of 106.38-2-19 | 17x78 Baden Street Settlement of Rochester, Inc. ** | 1369± |
| WH of 10 Kappel Pl. Pt of 106.38-2-19 | 17x78 Barbara Joan Baker | 1369± |

*Commissioners: Elston Hernandez, Doreatha Gayden, Maudine Brown-Long, Joseph Hanna, Joseph Kelly, Patricia Malgieri, Carol Schwartz

**Officers: Jeff Clark, Kelly Glover, Robin Stein, Vincent Leo

Section 3. Notwithstanding the provisions of Section 21-16B of the Municipal Code, the Council hereby approves the sale of the following parcel of vacant land by request for proposal sale despite the purchaser having had a code violation within five years as the violation has been satisfied and the sale of the parcel will promote economic development by allowing for business expansion.

Address: 25-37 Canal St.
S.B.L.#: 120.36-2-5
Lot Size: 135x268
Price: \$50
Purchaser: Michael Macaluso, Jr.

Section [3] 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section [4] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2006-343
(Int. No. 383)

Amending Ordinance No. 2005-71 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-71, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 246 Wilkins Street, as approved in Section 2, from Neysa Padilla to Cruz Iris Tapia.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-344
Re: Fair Housing/Lending Monitoring,
Empire Justice Center

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for

an agreement with the Empire Justice Center to continue Fair Housing and Lending Monitoring services. This agreement will be funded from the 2006-07 Housing Stock and General Property Conditions allocation (Fair Housing account) of the Community Development Block Grant. A similar agreement was last authorized by Council in November 2005.

The monitoring and analysis of home mortgage lending activity is a component of the City's commitment to affirmatively promote fair housing, a requirement for federal CDBG and HOME funds.

The Federal Community Reinvestment Act (CRA) requires banks with local branches to provide equitable lending, investment and other services to the communities in which they accept deposits, especially the low-to-moderate income communities of those areas. Empire Justice Center monitors the mortgage lending of these CRA-obligated banks, as well as aggregate lending in the Rochester area, using publicly available data required by the federal Home Mortgage Disclosure Act (HMDA). The Center analyzes information about location, mortgage amounts and demographics. The HMDA data is also used to monitor fair lending compliance by area lenders as required by the Federal Fair Housing Act. The data analysis is used to:

1. Provide support for testimony during regular CRA exams by federal and state regulators about an individual bank's lending performance to low and moderate income and minority communities.
2. Provide support for testimony during bank mergers about an individual bank's lending performance to low and moderate income and minority communities.
3. Inform collaborating local lenders and housing professionals about increasing access to home purchase and rehabilitation financing for underserved consumers.
4. Identify trends in lending activity which are shared with community lenders, housing professionals, and government officials.

During the past year, Empire Justice Center accomplished the following:

1. Analyzed and monitored mortgage lending of the following banks: Bank of America, Canandaigua National Bank and Trust, Citigroup (including Citifinancial), Citizens Bank, JPMorgan Chase, HSBC (including HFC and Beneficial), KeyBank, and M&T Bank;
2. Provided testimony during the CRA exams of Citibank and M&T;
3. Published the report: "There's No Place Like Home: Access to Home Mortgages in the Rochester Area in 2004";
4. Hosted, in January 2006, a seminar for realtors, not-for-profit housing agencies, and banks, which resulted in a commitment from the Greater Rochester Area Realtors and local lenders to develop a website for realtors to review an updated array of home loan products. It is expected that this will increase the probability of buyers using local lender's products. The site is expected to be ready in early 2007.

Empire Justice Center's monitoring of area banks' lending performance and their advocacy work, in conjunction with the Greater Rochester Community Reinvestment Coalition, with the Rochester area's top eight banks, has had a positive impact on the amount of lending in the city done by these top banks. The number of home purchase loans made in Rochester by the banks monitored by Empire Justice Center increased by 42.6% from 655 in 1999 to 934 loans in 2004 and the market share held by these eight banks increased from 34% in 1999 to 49% in 2004.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-344
(Int. 384)

Authorizing An Agreement For Fair Housing Lending Monitoring Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for continued Fair Housing Lending Monitoring Services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-345
Re: Asset Control Area Program

Transmitted herewith for your approval is legislation extending agreements with the U.S. Department of Housing and Urban Development, the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Partnership (GRHP) through December 31, 2007 for operation of the Asset Control Area Program (ACA); and appropriating funds as follows:

1. \$200,000 from ACA program funds for the associated loss reserve account for 25 properties to be acquired during the term of this agreement.
2. \$75,000 to fund the agreement with Greater Rochester Housing Partnership for construction management services based on an estimated acquisition of 25 properties between the date of this legislation and December 2007. ACA program funds will support this agreement.

The GRHP will continue to provide construction management services for the development of ACA

Track 2 properties. And, RHDFC and GRHP will continue to manage and administer the loss reserve account used to offset development costs of ACA properties rehabilitated through track 2.

The ACA agreement with HUD requires HUD to sell vacant single-family homes in specified census tracts to the City at a significant discount. The discount allows the City to acquire properties at lower prices and reduce the amount of subsidy required for development of each property, thus maximizing the number of vacant homes that can be addressed. Since the program began in 2004, 244 properties have entered the ACA system. The City's operation of the program has leveraged over \$3,205,944 in discounts from HUD and \$8,712,415 in private mortgages through the development and sale of 140 properties to final buyers. Remaining properties are in various stages of development.

As a condition of the HUD/ACA agreement, the City must purchase all single-family properties regardless of condition or functional obsolescence that may affect marketability. Once acquired, each property must be fully rehabilitated and sold to owner-occupant, first-time homebuyers. The Rochester housing market consists of an older housing stock and, in most cases, the development of each property requires subsidy. In order to maximize the impact of subsidy, two development tracks were created.

Track 1

Also known as Home Rochester, Track 1 is the City's longstanding acquisition rehabilitation program through which the majority of properties acquired through the ACA are developed. Federal and State subsidies are used to offset development costs, and local not-for-profit development organizations provide construction management services. Buyers of Home Rochester properties are required to have incomes at or below 80% of Area Median Income and must agree to live in the property for a minimum of 10 years. Properties must have off-street parking and at least three bedrooms. Data from the 140 properties already developed show the average subsidy required for each house to be \$22,448 and the average sale price to the final buyer to be \$60,066.

Track 2

Track 2 consists of properties that have fewer than three bedrooms, lack off-street parking or have a functional obsolescence that makes the ten-year occupancy requirement unreasonable. The subsidy required to cover costs for this development track is funded through limited ACA program funds that carry less restrictive income limits of 115% AMI and a three-year occupancy requirement. Construction management services are provided by GRHP staff. Approximately 38 properties have been acquired and designated to Track 2 since January 2004. Data from the development of these properties projects the average per-property subsidy to be \$9,000 and the average sale price to the final buyer to be \$56,494.

The two Track arrangement has proven to be efficient and cost effective for the City in meeting HUD requirements. Properties developed through both development tracks are acquired by the City from HUD and then transferred to the RHDFC for rehabilitation and sale.

GRHP and the RHDFC are separate incorporated entities with separate functions. The GRHP serves as a

construction lender (bank) for development of each property and provides staff for both entities. The RHDFC is a corporation that serves as owner during each development project. The two entities are necessary in order to leverage private funding and mitigate liability. The loss reserve account model allows acquisition and construction financing from the GRHP to be unsecured thus allowing the transfer of title for each property to the RHDFC to occur without the creation of costly lien documents and separate filings.

Funds appropriated through this legislation pertain only to properties developed through Track 2.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-345
(Int. No. 385)

Authorizing Extension Of Agreements For The Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an extension of the agreement with the United States Department of Housing and Urban Development (HUD) for continued City participation in the Asset Control Area (ACA) Program through December 31, 2007.

Section 2. The Mayor is hereby further authorized to enter into the extension of agreements with the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Partnership, Inc. to permit the continued acquisition and development of ACA properties and the administration and management of a loss reserve account to offset expenses incurred through the development of those properties acquired through December 31, 2007.

Section 3. The agreement shall obligate the City of Rochester to provide an amount not to exceed \$200,000 for the loss reserve account, and said amount, or so much thereof as may be necessary, is hereby appropriated from the ACA Program Account.

Section 4. The Mayor is hereby further authorized to enter into an extension of the agreement with the Greater Rochester Housing Partnership, Inc. for construction management services for the ACA Program for properties acquired through December 31, 2007.

Section 5. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the ACA Program Account.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-346
Re: Susan B. Anthony Apartments

Transmitted herewith for your approval is legislation relating to the Susan B. Anthony Apartments. The most recent legislation relating to his project was approved through Ordinance No. 2005-78. This legislation will:

1. Authorize an agreement with Housing Opportunities, Inc. and/or the Housing Opportunities Development Fund Corporation to support financing of the Susan B. Anthony Apartments project;
2. Appropriate \$139,000 from the Rental Allocation of the 2004-05 Community Development Block Grant to fund the agreement.

In 1987, Housing Opportunities, Inc. (HOP) acquired and rehabilitated the former Susan B. Anthony School as a limited equity housing cooperative. The original concept to create a 35 unit cooperative did not materialize, and HOP converted the building to 36 affordable apartments. Base rents are affordable to families with incomes between 40% and 60% of median family income. Rent subsidies make units affordable to households below these levels.

The project operated at a deficit which reached \$34,000 in 2004. Under the original cooperative framework, monthly payments by the residents were to cover upkeep and maintenance. Since the cooperative never took title to the building, maintenance costs were paid from a reserve fund intended for replacement of capital items as the building aged. With the reserve fund depleted and the project aging, HOP had to undertake significant renovation with limited resources.

HOP developed a financial restructuring and renovation plan, which included:

- Selling the building to a limited partnership, which would then syndicate the building using the low-income housing tax credit program. This enabled the mortgage to be paid and generated the bulk of the financing needed for repairs.
- Spending approximately \$1.7 million for improvements, including a new roof, gutters and down spouts, repointing, new windows, security system upgrades and some interior upgrades.
- Increasing rent revenue via two rent subsidy programs - a HUD Supportive Grant for HOP to provide rent subsidy for ten units and a full-time social worker at the building; and a program in which the Rochester Housing Authority has awarded eight Project-Based Section 8 vouchers.

To support the restructuring, HOP also received a low-income housing tax credit allocation from New York State which raised needed equity and Ordinance 2005-78 approved a payment-in-lieu-of-tax agreement and a \$500,000 loan toward the renovations to support the financial restructuring plan.

Several factors contributed to an increase of \$472,462 (from \$2,734,328 to \$3,206,790) in the rehabilitation costs. The NYS Division of Housing and Community Renewal and the limited partnership required additional improvements to ensure long-term viability

of major building systems; the State Historic Preservation Office required additional restoration; and unanticipated lead hazards were identified.

The additional funds from the City will help ensure the success of the restructuring plan. HOP will provide the balance of the needed funds from their own equity, a Federal Home Loan Bank award, and assistance from NeighborWorks and other local funds.

The proposed agreement will be in the form of a grant, requiring an affordability and regulatory period of 30 years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-346
(Int. No. 386)

Authorizing A Grant Agreement For The Susan B. Anthony Apartments Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc. and/or the Housing Opportunities Development Fund Corporation, whereby the City shall provide a grant to partially finance the costs of the rehabilitation of rental units as a part of the Susan B. Anthony Apartments Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$139,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Rental Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-347
Re: Agreement - Arts and Cultural Council
of Greater Rochester, Culture Builds
Communities Program

Transmitted herewith for your approval is legislation authorizing an agreement with the Arts and Cultural Council of Greater Rochester for administration of the 2006-07 Culture Builds Communities Program, and appropriating \$40,000 from the 2006-07 Community Development Block Grant Housing Stock and General Property Conditions allocation to fund the program.

The City has participated in the Culture Builds Communities program since 1997, and was most recently authorized by Council in July 2005.

Culture Builds Communities is a joint venture with Citibank designed to enhance neighborhood pride and promote participation in artistic activities. Proposals for the 2006 program will be solicited by the Arts

Council through public advertisement. Submissions will be reviewed by a panel of representatives from diverse segments of the community.

Grants awarded to neighborhoods, business organizations or school organizations will range from \$1,000 to \$20,000 to fund artists' fees, the cost of supplies and materials, and reasonable administrative expenses.

Attached is a summary report highlighting last year's Culture Builds Communities Program accomplishments.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-117

Ordinance No. 2006-347
(Int. No. 387)

Authorizing An Agreement For The Culture Builds Communities Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is authorized to enter into an agreement with the Arts and Cultural Council of Greater Rochester for the Culture Builds Communities Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-40
Re: Appointment of Trustees to the
Rochester Public Library Board

Transmitted herewith for your approval is legislation confirming the following appointments to the Rochester Public Library Board of Trustees:

Donna P. Benjamin, 770 Thurston Road, Rochester, NY 14619. Ms. Benjamin will fill the unexpired term of Emeterio M. Otero, who resigned in 2005. Her term will expire December 31, 2008.

George Wolf, 28 Potter Place, Fairport, NY 14450, is recommended to be reappointed as the representative of the Monroe County Library System Board. His new term will expire December 31, 2011.

Resumes for both nominees are on file with the City Clerk.

Respectfully submitted,

Robert J. Duffy
Mayor

Resolution No. 2006-40
(Int. No. 388)

Resolution Approving Appointments To The Rochester Public Library Board Of Trustees

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of George Wolf, 28 Potter Place, Fairport, New York, to the Rochester Public Library Board of Trustees as the representative of the Monroe County Library System Board for a term which shall expire on December 31, 2011.

Section 2. The Council hereby further approves the appointment of Donna P. Benjamin, 770 Thurston Road, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2008. Ms. Benjamin shall replace Emeterio M. Otero, who has resigned.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-41 And
Local Law No. 7
Re: School #33/Thomas P. Ryan
Center Project

Transmitted herewith for your approval is legislation authorizing a one-time addition to the Rochester City School District's 2006-07 debt limit in the amount of \$22,972,600 to fund improvements to School #33 and a portion of the Thomas P. Ryan Center. This proposed legislation combined with the one-time 2005-06 exemption authorized by Ordinance 2006-62, for funding design and construction management services, will total a one-time exemption of \$25 million for this project.

On March 23, 2006, City Council authorized an agreement with the Rochester City School District to allow for the design of this joint cooperative project, with the District as the lead on this initiative. At that time, total project costs were estimated at \$26.5 million. The District has revised the estimate for the project to \$32.5 million. Increased costs are mainly attributable to redefined designs and an unusual spike in construction material prices.

The increased costs are proposed to be funded by the one-time increase in the District's 2006-07 debt limit. It is anticipated the proposed joint facility with shared space will maximize the eligible state aid for this project.

Design is anticipated to be complete in Spring 2007. The request for City Council approval of the bond authorization will be made at that time.

Respectfully submitted,
Robert J. Duffy
Mayor

Lois J. Giess
Council President

Resolution No. 2006-41
(Int. No. 410)

Resolution Authorizing An Exception To The City School District Debt Limit For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$22,972,600 is hereby approved as an exception to the 2006-07 Debt Limit of the Rochester City School District in order to fund the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Local Law No. 7
(Int. No. 411)

Local Law Reallocating 2006-07 Debt-Incurring Power Between The City And City School District For The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the provisions of Section 3-9.1B of the Charter of the City of Rochester, the Council hereby approves an increase in the total amount of indebtedness for educational purposes for 2006-07 not to exceed sum of \$22,972,600 in order to fund the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Project.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-348,
Ordinance No. 2006-349 And
Ordinance No. 2006-350

Re: Wilson Commencement Park -
Rental Housing

Transmitted herewith for your approval is legislation relating to the development of 18 additional rental units at Wilson Commencement Park (WCP). This legislation will:

1. Authorize the sale of Rochester Urban Renewal Agency (RURA) land located at 225-235 Joseph Avenue (SBL # 106.55-1-20.1) to the WCP Housing Development Fund Corporation for \$1.00;
2. Authorize an agreement in an amount not to exceed \$200,000 with the WCP Housing Development Fund Corporation and/or a related project Limited Partnership to be formed to partially finance the project;
3. Appropriate \$200,000 from the Rental Housing allocation of the 2006 HOME Program to fund the above agreement;

4. Authorize the exemption of this project from property taxes and an agreement for payments-in-lieu-of-taxes; and
5. Authorize any other agreements necessary for the implementation of this project.

Wilson Commencement Park (WCP) offers a comprehensive family self-sufficiency program whose purpose is to move single-family parents from welfare to independence. WCP currently provides 50 two- and three-bedroom townhouse units, a family center and space for support services, and has received national recognition as a housing program worthy of replication.

WCP has determined that some families need more extensive services and a more supervised living environment in order to succeed. The proposed development will serve that need. It is an 18 unit, two-story elevator building that will enable WCP to expand the number of families served.

The housing will serve victims of domestic violence, homeless families and persons with psychiatric/mental disabilities. Support services provided will include counseling; referral to job training or educational programs; on-site child care; on-site life skills classes; and various support groups. Referrals will come from the Rochester Housing Authority and emergency and transitional housing programs.

The proposed expansion will be located adjacent to the existing campus. The first floor contains eight apartments, lobby, lounge area, laundry room and office suite for support services for residents of this building only. The second floor will contain 10 units, lounge and laundry room. The site includes a garden, playground and boundary fencing for security. Below is the proposed budget.

| Costs | |
|--------------------------|-------------|
| Property acquisition | \$ 1 |
| Soft costs | 413,150 |
| Construction | 3,401,492 |
| Construction contingency | 190,732 |
| Developer fee | 600,806 |
| Reserves | 45,500 |
| Working capital | 46,062 |
| Total | \$4,697,743 |

| Sources | |
|-------------------|-------------|
| City HOME Program | \$ 200,000 |
| LIHTC equity | 3,336,777 |
| NYS-HHAP | 720,600 |
| NYS-DHCR | 440,366 |
| Total | \$4,697,743 |

The HOME funds would be provided initially as an interest-free construction loan. Upon completion of construction, the loan would be converted to a 30-year permanent loan with an interest rate of 1%. The limited partnership would make annual payments of interest payable from cash flow, which is defined as: all income received from the operation of the project after payment of the operating expenses, including debt service; and payment of all scheduled reserve account payments. If cash flow is insufficient to pay the 1% interest to the City, the amount due which exceeds cash flow will be deferred. Payment of the principal and any deferred interest will be due in year 30.

WCP has been allocated Low Income Housing Tax Credits for the project. Construction financing is be-

ing provided by the Greater Rochester Housing Partnership, NYS Homeless Housing Assistance Program and the City of Rochester.

All occupants will have incomes of less than 50% of the area median family income. All units will benefit from Section 8 Project Based Vouchers, and can therefore accommodate families with incomes below 30% of the area median family income.

The proposed in-lieu-of-tax agreement would provide a thirty-year tax exemption in consideration for an annual in-lieu-of-tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

Construction is expected to start in February 2007 and be completed in November 2007.

A public hearing is required for the sale of the Urban Renewal parcel.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-348
(Int. No. 389)

Approving The Sale By The Rochester Urban Renewal Agency To WCP Housing Development Fund Corporation Of 225-235 Joseph Avenue In The Upper Falls Urban Renewal Project, NYR-188

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from WCP Housing Development Fund Corporation (hereinafter called "Redeveloper") for the purchase and redevelopment of 225-235 Joseph Avenue in the Upper Falls Urban Renewal Project, NYR-188 (hereinafter called "Parcel"), for housing use; and

WHEREAS, a disposition price of \$1.00 for said Parcel has been established; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on November 14, 2006 to consider the proposed disposition of said Parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Parcel by the Redeveloper and the terms of the disposition of said Parcel are satisfactory;
3. That disposition of said Parcel by negotiation is the appropriate method making the Parcel available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the Parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the proposed disposition price is a satisfactory price for the Parcel for use in ac-

cordance with the Urban Renewal Plan;

6. That the proposed disposition complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and

7. That the sale of said Parcel and conditions established for redevelopment are satisfactory;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcel and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the Parcel.

Section 2. The Council hereby approves the method, option and disposition of said Parcel by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the disposition of said Parcel by the Agency for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-349
(Int. No. 390)

Approving A Loan Agreement For The Wilson Commencement Park Rental Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the WCP Housing Development Fund Corporation, and/or a limited partnership formed to develop the housing units, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Wilson Commencement Park Rental Housing Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with an interest rate of 1%. The interest shall be payable annually from cash flow. If the cash flow is insufficient to pay the interest, the payment of such interest shall be deferred until the end of the term. Payment of the principal shall also be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$200,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Wilson Commencement Park Rental Housing Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-350
(Int. No. 391, As Amended)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The Wilson Commencement Park Rental Housing Project And Amending Ordinance No. 2006-39

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the parcel at 225-235 Joseph Avenue, SBL #106.55-1-20.1, to be owned by the WCP Housing Development Fund Corporation, and to be used for housing as the Wilson Commencement Park Rental Housing Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the WCP Housing Development Fund Corporation whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-39, relating to a property tax exemption for the Urban Park Apartments at 150 Van Auker Street, is hereby amended by extending the deadline for acquisition of the property by the housing development fund company to be established by the Wishcamper Group in order to qualify for the property tax exemption for the 2006-07 tax year, as set forth in Section 2, from July 1, 2006 to July 1, 2007.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember Stevenson
November 14, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 392 - Authorizing The Acquisition Of A Permanent Easement In The Town Of Lima

Int. No. 409 - Authorizing Agreements For The Durand Eastman Beach Master Plan And Amending The 2006-07 Budget, As Amended

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 393 - Authorizing An Application And Agreement For A Capital Project Multi-Modal Program Grant For The West Main Street Streetscape Project And Appropriating Funds

Int. No. 394 - Authorizing A Decrease In The Pavement Width Of Litchfield Street At Its Intersection With West Main Street

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-351
Re: Permanent Easement - Pond Road,
Town of Lima

Transmitted herewith for your approval is legislation authorizing the acquisition of a permanent easement by the City on land owned by Jeffrey A. Shanks in the Town of Lima on Pond Road. The Water Bureau is requesting acquisition of this twenty-foot-wide easement for the purpose of installing and maintaining an electric service for their conduit cathodic protection system.

The purchase price for the easement is \$440 and was established through an independent appraisal prepared by Kevin Bruckner, MAI. The total cost of this acquisition, including closing costs, will not exceed \$1,500, and will be funded through the Water Bureau's 2002-03 Cash Capital Allocation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-118

Ordinance No. 2006-351
(Int. No. 392)

Authorizing The Acquisition Of A Permanent Easement In The Town Of Lima

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of a permanent easement over approximately 0.102 acres of land owned by Jeffrey A. Shanks on Pond Road in the Town of Lima for the installation and maintenance of an electrical service for the water conduit cathodic protection system.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$440, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-352
Re: Durand Eastman Park

Transmitted herewith for your approval is legislation related to the City's operation of the beach at Durand Eastman Park. This legislation will:

1. Establish \$140,000 as maximum compensation for an agreement with Lu Engineers for a Master Plan and cost estimates for continuing operation of public swimming at Durand Eastman Beach. \$90,000 of this amount will be financed from the 2006-07 Cash Capital Budget;
2. Authorize an agreement with the Center for Environmental Information for receipt of a \$20,000 grant to further fund the above agreement; and
3. Amend the 2006-07 Budget by:
 - a. Including \$20,000 from the above grant to Cash Capital; and
 - b. Transferring \$30,000 from Contingency to Cash Capital, to provide the remaining funds for this agreement, if necessary.

The plan and estimates will be used to determine the feasibility for re-opening the beach permanently, to secure funding for implementation of required improvements, and to guide further design and construction.

Lu Engineers will provide water quality investigation, analysis, planning, site selection and preliminary design of facilities; coastal engineering; public participation and program refinement; cost estimating; and environmental analysis. The emphasis will be on water quality, scenic resources and graphic communication. The project will include feasibility analysis of the location and character of proposed improvements and will require review and approval by multiple agencies.

Specialized expertise, in civil and coastal engineering, bio-engineering, sanitary engineering, environmental engineering, scenic resource management, and graphic communication, is required for performance of the study. Proposals were solicited from four firms; two responded. Lu Engineers was selected based on their qualifications and ability to complete the project by April 2007 in order that the beach could be operating in Summer 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-352
(Int. No. 409, As Amended)

Authorizing Agreements For The Durand Eastman Beach Master Plan And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$140,000, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for a Master Plan related to the reopening of the Durand Eastman Beach. Of [S]aid amount, \$90,000 shall be funded from the 2005-06 Cash Capital Allocation and \$50,000 shall be funded from the 2006-07 Cash Capital Allocation.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Center for Environmental Information for funding for the Master Plan related to the reopening of the Durand Eastman Beach.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency Allocation to the Cash Capital Allocation, and by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$20,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein, to fund the Master Plan agreement related to the reopening of the Durand Eastman Beach.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-353 And
Ordinance No. 2006-354
Re: West Main Street Streetscape Project
(Jefferson Avenue to Broad Street)

Transmitted herewith for your approval is legislation related to streetscape enhancements on West Main Street between Jefferson Avenue and Broad Street. This legislation will:

1. Authorize acceptance, and appropriation, of \$250,000 in Capital Project Multi-Modal Program Funding from the New York State Department of Transportation to finance the project; and
2. Authorize a 1'4" decrease in the pavement width, from 19'4" to 18', on Litchfield Street, beginning at the intersection of West Main Street and continuing northerly for a distance of approximately 26 feet, at which point the curb-line will transition back to the existing street width.

Project design by Bergmann Associates for \$1.15 million was authorized by Council in August 2004. A streetscape master plan for West Main Street between Jefferson Avenue and Broad Street was developed with the intent of enhancing economic development in this area. Improvements are focused on the Susan B. Anthony Historic District (Madison Street to Canal Street) with select improvements extending west to Jefferson Avenue and east to Broad Street.

Through the efforts of Assemblyman David Gantt, \$250,000 in NYS Multi-Modal Program funding was secured for the project and will be used to advance additional master plan elements to construction. Eligible features include geometric changes, sidewalk improvements, enhanced crosswalks, and street signage.

The changes on Litchfield Street, which will permit an accessible entryway into the adjacent building at 480 West Main Street, were presented to the Traffic Control Board on October 17, 2006.

It is anticipated that construction of these improvements will begin in Spring 2007 and be completed in Fall 2007. A public hearing on the geometric change is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-119

Ordinance No. 2006-353
(Int. No. 393)

Authorizing An Application And Agreement For A Capital Project Multi-Modal Program Grant For The West Main Street Streetscape Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Transportation for funding under the Capital Project Multi-Modal Program for the West Main Street Streetscape Project (Jefferson Avenue to Broad Street).

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$250,000, or so much as may be necessary, is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the West Main Street Streetscape Project (Jefferson Avenue to Broad Street).

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-354
(Int. No. 394)

Authorizing A Decrease In The Pavement Width Of Litchfield Street At Its Intersection With West Main Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a decrease of one foot and four inches, from 19 feet and 4 inches to 18 feet, in the pavement width of Litchfield Street, beginning at the intersection of West Main Street and continuing northerly for approximately 26 feet, at which point the curbline will transition back to the existing street width.

Section 2. Such changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
November 14, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 395 - Cancellation Of Taxes And Charges

Int. No. 396 - Authorizing Agreements For Human Services Program

Int. No. 397 - Amending The Municipal Code With Respect To Payments Via The Internet

Int. No. 398 - Amending The Municipal Code With Respect To Vending In The Center City And Harbortown Areas

Int. No. 412 - Authorizing An Agreement For The Lease Of Space For The Office of Public Integrity

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-355
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$40,621.22.

The sum of \$29,221.22, or 71.94% of the total, applies to four properties where tax exemptions were not properly recorded on the final assessment roll.

A total of five properties had code violations in the amount of \$11,400.00, or 28.06% of the cancellations, that were incurred by a former owner.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$334,340.65.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|----------------|
| City Council | 66 | \$285,269.14 |
| Administrative | 123 | 49,071.51 |
| Total | 189 | \$334,340.65 |

These cancellations represent .145% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-120

Ordinance No. 2006-355
(Int. No. 395)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) These properties were recently transferred ownership and the code violations were issued against the former owner and the charges remain unpaid.

| S.B.L.# | Class | Address | Tax | Amount |
|------------------|-------|---------------------|------|-------------|
| | | | Year | Cancelled |
| 090.480-0002-010 | H | 804 Flower City Pk. | 2006 | \$ 2,600.00 |
| | | | 2007 | 2,600.00 |
| 105.270-0002-045 | H | 134 Glenwood Ave. | 2007 | 1,150.00 |
| 106.270-0002-018 | H | 111 Fernwood Ave. | 2007 | 1,200.00 |
| 106.520-0002-065 | H | 498 Central Pk. | 2007 | 2,050.00 |
| 107.780-0002-028 | H | 102-104 Bowman St. | 2007 | 1,800.00 |

- (b) These property owners qualified for exemptions and the exemptions were not reflected on the appropriate assessment rolls.

| S.B.L.# | Class | Address | Tax | Amount |
|----------------------|-------|--------------------|------|-------------|
| | | | Year | Cancelled |
| 090.710-0001-006.001 | NH | 62 LaGrange Ave. | 2006 | \$11,464.70 |
| | | | 2007 | 11,564.80 |
| 090.510-0003-017 | H | 99-103 Clay Rd. | 2007 | 1,722.73 |
| 091.730-0004-041 | H | 104 Fairbanks St. | 2007 | 1,434.22 |
| 121.590-0001-009 | H | 501-503 Oxford St. | 2007 | 3,034.77 |
| | | Grand Total | | \$40,621.22 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-356
Re: Agreements and Appropriations -
Human Services Projects

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services Projects under the Training Young Males for Excellence Initiative:

The Salvation Army
Moving Forward \$85,000

Rochester Fatherhood Resource Initiative, Inc.
BEEAMS Young Males Project \$85,000

Despite successes of local youth programming initiatives, many disadvantaged youth have aged into disadvantaged and seriously at-risk young adults. Young adult males, particularly those of African-American and Latino-American backgrounds, are over-represented in unemployment, school drop-out and incarceration rates, and are in need of targeted, non-traditional services. The Bureau of Youth Services has expanded its youth development priorities to include this group of young adult males, ages 18-26.

The Moving Forward project and the Building Economic Empowerment/Achieving and Maintaining Stability (BEEAMS) Young Males Project serve severely at-risk young adult males, with job readiness training and job placement, conflict resolution, mentoring and anger management skills. These programs are components of the Training Young Males for Excellence initiative, and were selected through an August 2005 Request for Proposals.

Both projects are considered projects without matching funds and are eligible for up to three years of funding. The proposed agreements represent the second year of CDBG funding for each project, and will be financed from the 2006-07 General Community Needs allocation of the Community Development Block Grant. Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-121

Ordinance No. 356
(Int. No. 396)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects:

Organization
Project Amount

The Salvation Army
Moving Forward \$85,000

Rochester Fatherhood Resource Initiative, Inc.
BEEAMS Young Males Project
(BEEAMS/YMP) 85,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$170,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-357 And

Ordinance No. 2006-358

Re: Licensing Amendments

Transmitted herewith for your approval is legislation amending the City Code in regard to licensing. The proposed amendments will:

1. Authorize Alarm Permit renewals by Internet and establish a fee of \$1.00 per transaction in addition to the alarm permit renewal fee (the basic \$10 renewal fee plus any fees for avoidable alarm calls). Alarm permit payments on the Internet will be limited to renewals and will not include first-time permits, which will still require a paper application.
2. Expand the Center City Vending District beyond the Center City Zoning District. The new area to be added includes the area bounded by the south side of University Avenue from Alexander Street to the west side of Goodman Street; the west side of Goodman Street from University Avenue to East Avenue; both sides of East Avenue from Goodman Street to Alexander Street; and both sides of Alexander Street south from Gardiner Park to Tracy Street.

The use of the Internet to renew Alarm Permits for a \$1.00 fee will reduce the substantial amount of paperwork involved in such licensing without incurring additional cost for taxpayers.

The expansion of the Center City Vending District is proposed in order to eliminate a concern raised by several residents and business owners in the East Avenue/Alexander Street neighborhood. In order to take advantage of the large number of tavern patrons in the locale, some vendors have begun setting up just over the current district boundary lines, potentially damaging the working relationship between traditional businesses, residents and district vendors while at the same time avoiding the district vending fee. Expanding the district lines several blocks South and East will eliminate this problem.

Respectfully submitted,
Lois J. Giess
President

Attachment No. AF-122

Ordinance No. 2006-357
(Int. No. 397)

Amending The Municipal Code With Respect To Payments Via The Internet

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 8-15 of the Municipal Code, Payments via Internet, as last amended by Ordinance No. 2006-273, is hereby further amended by adding after the first three sentences thereof the following new sentence:

Alarm permit renewals may be accepted over the Internet, for which there shall be a service charge of \$1 in addition to the renewal fees.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

Ordinance No. 2006-358
(Int. No. 398)

Amending The Municipal Code With Respect To Vending In The Center City And Harbortown Areas

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 62-1 of the Municipal Code, Definitions, as amended, is hereby further amended by adding thereto the following new definitions where they should appear in alphabetical order:

CENTER CITY VENDING DISTRICT - shall include all of the Center City Zoning District, as established pursuant to Chapter 120, Zoning Code, and in addition, as set forth in a map on file in the City Clerk's Office, an area extending generally easterly from the Center City Zoning District which is bounded on the west and north by the Center City Zoning District boundary extending from the southerly side of East Avenue to the center of Alexander Street at approximately 417 Alexander Street, then continuing southerly down the center of Alexander Street to the center of University Avenue, then continuing easterly along the center of University Avenue to the center of Goodman Street, then continuing southerly along the center of Goodman Street to and including the southerly side of East Avenue, then continuing westerly along the southerly side of East Avenue to the Center City Zoning District boundary. The Center City Vending District shall also include both sides of Alexander Street southerly from Gardiner Park to the southerly side of Tracy Street and its extension westerly, as set forth in the map on file in the City Clerk's Office.

HARBORTOWN VENDING DISTRICT - shall include all of the H-V Harbortown Village Zoning District as established pursuant to Chapter 120, Zoning Code, which is north of the new O'Rourke Bridge, and those lands zoned O-S Open Space which border the southern boundary of Ontario Beach Park and are east of Estes Street.

Section 2. Section 62-3 of the Municipal Code, Fees and expiration of license, as amended, is hereby further amended by deleting the words "Center City Zoning District" in each place where they appear in Subsection A(2) and by inserting in their place the words "Center City Vending District".

Section 3. Section 62-7 of the Municipal Code, Additional Center City Zoning District and Harbortown provisions, as amended, is hereby further amended by amending the title and introductory to Subsection A to read in their entirety as follows:

§ 62-7. Additional Center City and Harbortown provisions.

A. In addition to the general provisions set forth in § 62-6 of the Municipal Code, the follow-

ing regulations shall also apply to solicitors in the Center City Vending District and the Harbortown Vending District:

Section 4. Section 62-7 of the Municipal Code is hereby further amended by deleting the words "Center City Zoning District" where they appear in Subsection A(4) and by inserting in their place the words "Center City Vending District", and by deleting the words "Main Street" in each place where they appear in Subsection A(4) and by inserting in their place the words "Center City".

Section 5. This ordinance shall take effect on January 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-359
Re: Agreement - Buckingham Properties,
LLC, Buckingham Commons Building

Transmitted herewith for your approval is legislation authorizing a three year lease agreement with Buckingham Properties for the lease of 2,296 square feet of space at the Buckingham Commons building at 85 Allen Street in the City, for a maximum of \$95,806. The annual cost of this agreement will be financed from the annual Budgets of the Mayor's Office.

This space will accommodate the newly established Office of Public Integrity. The Office of Audit and Review, which will be incorporated into the Office of Public Integrity, currently occupies 1,700 square feet of space on the sixth floor of the Ellwanger and Barry Building. The new office space will accommodate the functions of Public Integrity, Audit and Review, and Investigations. These offices are close to City Hall, while still providing anonymity to City employees and/or private citizens who have concerns to be addressed by the Office of Public Integrity.

In anticipation of this expansion, current space is being rented on a month to month basis. Buckingham Properties is providing two months of transitional space at no cost to the City; therefore, there will be no incremental cost for the current fiscal year, but an additional \$9,000 will be required in the 2007-08 Budget.

The lease will have an option to renew for four years, plus an option to renew for an additional period of the City's choosing. The annual cost will be \$13.50 per square foot, or \$30,996 for the first year, with 3% annual rental increments. The cost of electricity, approximately \$1.00 per square foot, will be the responsibility of the City. Heating and cooling costs are included in the rental amount. Buckingham Properties will be responsible for the required improvements to the space.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-359
(Int. No. 412)

**Authorizing An Agreement For The Lease Of
Space For The Office Of Public Integrity**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Buckingham Properties, LLC for the lease of space in the Buckingham Commons Building at 85 Allen Street to be used by the Office of Public Integrity. The agreement shall extend for a term of three years.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$30,996 in rent for the first year, with 3% annual increases for the second and third years. Said amounts shall be funded from the annual budgets of the Mayor's Office. The City shall also be responsible for electric costs. Heating and cooling costs shall be included in the rent. Buckingham Properties shall be responsible for improvements to the space.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 14, 2006

To the Council:

The Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 399 - Authorizing An Application And Agreement For A Law Enforcement Terrorism Prevention Program Grant And Amending The 2006-07 Budget

Int. No. 400 - Authorizing An Agreement For A Project Safe Neighborhoods Program Grant And Amending The 2006-07 Budget

Int. No. 401 - Authorizing An Agreement For Reimbursement Of Police Overtime Costs And Amending The 2006-07 Budget

Int. No. 402 - Authorizing An Agreement For A Disproportionate Minority Contact Discretionary Program Grant And Amending The 2006-07 Budget

Int. No. 403 - Approving Rental Increase For Renewal Term OFA Lease Agreement For Materials Storage

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-360,
Ordinance No. 2006-361,
Ordinance No. 2006-362 And
Ordinance No. 2006-363
Re: Police Grant Programs

Transmitted herewith for your approval is legislation related to various Police grant programs. This legislation will:

1. Authorize an agreement with NYS Department of Homeland Security for application for receipt and use of a \$100,000 Law Enforcement Terrorism Prevention Program (LETTP) grant, and amend the 2006-07 Budget, Cash Capital allocation by \$100,000.
2. Authorize an agreement with the Rochester Institute of Technology (RIT) for receipt and use of a grant of \$46,617 under the Project Safe Neighborhoods (PSN) program, and amend the 2006-07 Budget of the Police Department by \$31,600, reflecting a portion of the grant. The remainder will be included in the 2007-08 Budget.
3. Authorize an agreement with the NYS Division of Criminal Justice Services for reimbursement of \$16,500 in overtime costs incurred in the search for fugitive Ralph Phillips, and amend the 2006-07 Budget of the Police Department by \$16,500.
4. Authorize an agreement with St Joseph's Villa for receipt and use of an administrative grant in the amount of \$10,011, through the Disproportionate Minority Contact Discretionary Program, and amend the 2006-07 Budget of the Police Department by \$10,000.

Law Enforcement Terrorism Prevention Program (LETTP)

The NYS Department of Homeland Security (DHS) has mandated a portion of LETPP funding to go directly to police departments with Bomb Squads. The grant to RPD will be used to purchase specialized equipment for detection of explosive devices. This will ensure safer handling of potential bomb-related calls for service, for citizens and responding officers. This is the first direct funding the City has received from NYS DHS for this purpose. The award requires a 5.79% match (\$6,149), which will be funded from the 2002-03 Cash Capital allocation. The grant term is from July 1, 2006 through June 30, 2008.

Project Safe Neighborhoods (PSN)

RIT has allocated \$46,617 from Federal Department of Justice (DOJ) funds for an agreement with the City to resume participation in PSN. The Police Department will conduct gang intelligence meetings to coordinate efforts to reduce gang violence. The City has participated in PSN for over two years, and received a previous PSN grant directly from DOJ in 2004. The grant term is from July 1, 2006 through December 29, 2007.

NYS Division of Criminal Justice Services (DCJS) Overtime Reimbursement

NYS DCJS will provide reimbursement of overtime costs incurred (September 3-10, 2006) by the Police Department's Emergency Task Force while assisting the New York State Police in the search for fugitive Ralph Phillips.

Disproportionate Minority Contact (DMC) Program

St Joseph's Villa will provide an administrative grant of \$10,000 to the City for costs incurred by the Police

Department in support of the DMC program that St Joseph's Villa will be operating. St. Joseph's Villa operates a Juvenile Diversion program to address the issue of the disproportionate amount of contact minority youth have with the juvenile justice system. The Police Department will screen cases in which a juvenile is issued an appearance ticket by a police officer. If the juvenile fits the criteria agreed upon by St. Joseph's Villa and RPD (i.e., type of crime, number of previous contacts, age of offender) the juvenile will be placed in a probation program operated by the Villa. The program offers an alternative to prosecution and provides extensive assessment and support for the juveniles and their families. This is the first funding the City has received under this particular program and there are no match requirements. The grant term is from October 1, 2006 through September 30, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember McFadden moved to amend Int. No. 399.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Ordinance No. 2006-360
(Int. No. 399, As Amended)

Authorizing An Application And Agreement For A Law Enforcement Terrorism Prevention Program Grant And Amending The 2006-07 Budget And Ordinance No. 2006-322

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Homeland Security for funding under the Law Enforcement Terrorism Prevention Program for equipment for the Bomb Squad of the Rochester Police Department.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$100,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-322, relating to the Shared Municipal Services Program, is hereby amended to read in its entirety as follows:

Ordinance No. 2006-322

Authorizing Applications And Agreements For Funding Under The Shared Municipal Services Program

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Robert J. Duffy, the Mayor of the City of Rochester, is hereby authorized to submit applications to the New York State Department of State for funding under the Shared Municipal Services Incentive Grant Program for the 2006-2007 Program Year. The applications shall request funding under the Shared Highway Services Incentive Awards, Countywide Shared Services Incentive Awards and the Shared Health Insurance Incentive Awards. The Mayor is further authorized to enter into necessary cooperative agreements with the County of Monroe and the Towns of Henrietta and Irondequoit and other municipalities in order to obtain said funding. The Lead Applicant Contact Person for each award as set forth herein is further authorized to execute all financial and/or administrative processes relating to the grant program.

Section 2. The application for the Shared Highway Services Incentive Award in the amount of \$300,000 shall provide for contracted services of the City's asphalt recycling or fueling program among municipal highway departments. The Lead Applicant Contact Person shall be Paul Holahan, Commissioner of Environmental Services.

Section 3. The application for the Countywide Shared Services Incentive Award in the amount of \$200,000 shall provide for a collaborative study with Monroe County and the Town of Irondequoit to locate Stormwater Phase II illicit discharges and E.coli sources in streams emptying into Lake Ontario at the Durand Eastman Beach. The Lead Applicant Contact Person shall be the Mayor.

Section 4. The application for the Shared Health Insurance Incentive Award in the amount of \$500,000 shall provide for a study of health insurance consortiums. The Lead Applicant Contact Person shall be William J. Ansbrow, Budget Director.

Section 5. The applications and agreements shall contain such additional terms and conditions as the Mayor or Lead Applicant Contact Person deem to be appropriate.

Section 6. This ordinance shall take effect immediately.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2006-361
(Int. No. 400)

Authorizing An Agreement For A Project Safe Neighborhoods Program Grant And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology for funding under the Project Safe Neighborhoods Program for the Rochester Police Department to aid in the reduction of gang violence.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$31,600, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-362
(Int. No. 401)

Authorizing An Agreement For Reimbursement Of Police Overtime Costs And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for reimbursement of police overtime costs incurred in the search for fugitive Ralph Phillips.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$16,500, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2006-363
(Int. No. 402)

Authorizing An Agreement For A Disproportionate Minority Contact Discretionary Program Grant And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with St. Joseph's Villa for funding for the Rochester Police Department to support the Disproportionate Minority Contact Discretionary Program.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$10,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such addi-

tional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-364
Re: Lease of Storage Space -
Police Department

Transmitted herewith for your approval is legislation authorizing renewal of the lease of storage space for the bomb squad of the Police Department. The bomb squad will lease approximately 500 square feet of land and two explosive storage magazines at a site that has been approved for explosives storage.

The agreement will have a term of five years, with an annual cost of \$2,640. This is an increase of 10%, or \$240, per year over the previous lease, which was authorized by City Council in November 2001.

The cost will be financed by the current and future budgets of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-364
(Int. No. 403)

Approving Rental Increase For Renewal Term Of A Lease Agreement For Materials Storage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase in rent for the five year renewal term of a lease agreement for the storage of materials by the Police Department, as approved in Ordinance No. 2001-392, from \$200 per month to \$220 per month, which shall be funded from the annual budgets of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
November 14, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 407 - Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 408 - Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

The Jobs, Economic Development & Center City Committee recommends for consideration the follow-

ing entitled legislation:

Int. No. 404 - Amending The Municipal Code With Respect To Business Permits, As Amended

Int. No. 405 - Authorizing The Refund Of Certain Certificate Of Use Payments

Int. No. 406 - Local Law Amending The City Charter With Respect To The Abatement Of Nuisances

Int. No. 413 - Authorizing An Option Agreement For The Purchase Of Midtown Plaza

Int. No. 414 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Building Evaluation Of Midtown Plaza

Respectfully submitted,
William F. Pritchard
Adam C. McFadden (Voted against Int. No. 413 and Int. No. 414)
Dana K. Miller
Lois J. Giess
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-42
Re: Appointments/Reappointments -
Downtown Enhancement District
Advisory Committee

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of 11 people to the Downtown Enhancement District Advisory Committee.

Establishment of the committee was specified by the local improvement assessment legislation that was approved by the City Council on May 16, 1989. The prescribed responsibilities of the committee are to:

monitor the performance of district services;

review the annual budget for the district prepared by the Mayor; and

make recommendation to the City Council with respect to that budget.

The committee consists of 11 persons representing property owners and tenants within the district. The members are intended to fairly represent large and small properties, owners and tenants, Zone 1 properties and Zone 2 properties.

The two-year terms of committee members are staggered to prevent expiration of all terms in any one year. The terms of six members of the committee expired in December 2005. Two of these six members have resigned, resulting in two vacancies. The new terms of those six members will expire on December 31, 2007. The terms of the remaining five members are scheduled to expire on December 31, 2006. Two of the five members have resigned resulting in two vacancies. The new terms of these five members will expire on December 31, 2008.

| <u>Name</u> <u>Affiliation</u> | <u>Expiration</u> |
|--|-------------------|
| Appointments: | |
| Robert C. Tait 140 Clinton Square, 14604 Broadstone Real Estate, LLC | 12/31/07 |
| William Kablack 123 East Main Street, 14604 Rochester Riverside Conv. Ctr. | 12/31/07 |
| Chris Hill 28 East Main Street, 14614 I. Gordon Corporation | 12/31/08 |
| Lawrence Davies One Chase Square, 14604 Chase Bank | 12/31/08 |

Reappointments:

| | |
|---|----------|
| James Costanza 14 Franklin Street, Suite 1122, 14604 Temple Building | 12/31/08 |
| Eileen Broderick 183 East Main Street Conifer Realty | 12/31/08 |
| Wes Plant 50 Broad Street East, 14694 West Group | 12/31/08 |
| Louis Nau 45 East Main Street, 14604 Canandaigua National Bank | 12/31/07 |
| Robert Scott Grippio 25 Franklin Street, Suite 1122, 14604 Genesee Management, Inc. | 12/31/07 |
| Christine Pullano 100 South Clinton Avenue, 14644 Xerox Corporation | 12/31/07 |
| Mark Stevens 600 Powers Building, 14614 S. B. Ashley | 12/31/07 |

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-42
(Int. No. 407)

Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following persons to the Downtown Enhancement District Advisory Committee:

| <u>Name</u> <u>Affiliation</u> | <u>Expiration</u> |
|---|-------------------|
| Robert C. Tait Broadstone Real Estate, LLC | 12/31/07 |

| | |
|--|----------|
| William Kablack Rochester Riverside Convention Center | 12/31/07 |
| Chris Hill I. Gordon Corporation | 12/31/08 |

| | |
|-------------------------------|----------|
| Lawrence Davies Chase Bank | 12/31/08 |
|-------------------------------|----------|

Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

| <u>Name</u> <u>Affiliation</u> | <u>Expiration</u> |
|--|-------------------|
| James Costanza Temple Building | 12/31/08 |
| Eileen Broderick Conifer Realty | 12/31/08 |
| Wes Plant The West Group | 12/31/08 |
| Louis Nau Canandaigua National Bank | 12/31/07 |
| Robert Scott Grippio Genesee Management, Inc. | 12/31/07 |
| Christine Pullano Xerox Corporation | 12/31/07 |
| Mark Stevens S.B. Ashley | 12/31/07 |

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-365
Re: Downtown Holiday Shopper and
Special Event Free Parking Program

Transmitted herewith for your approval is legislation authorizing "Holiday Shopper and Special Events" free parking in the downtown area from November 24, 2006 through January 2, 2007.

This program, which had previously been in effect from 1976 through 1993, is designed to support retail sales and special event activities in the downtown area during the holiday season. Free parking is provided in selected garages on weekends and weekday evenings when retail stores are open and events are scheduled during the holiday shopping period. Free evening (after 6:00 p.m.) and weekend retail and special event parking will apply to the following parking garages:

- Court St.
- Genesee Crossroads
- High Falls
- Midtown
- Sister Cities
- Washington Square
- South Avenue

Attached is a list of organizations with potential holiday programs that will benefit from the free holiday parking. Related costs to providing the free parking

are being analyzed and will be available for Council review prior to the November 9 Council Committee meetings.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-123

Ordinance No. 2006-365
(Int. No. 408)

Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Municipal Parking Coordinator is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, Genesee Crossroads, High Falls, Midtown, Sister Cities, Washington Square and South Avenue Parking Garages. The free parking may be allowed weekday evenings after 6:00 P.M. and all day on Saturday and Sunday, from November 24, 2006 through January 2, 2007.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2006-366,
Ordinance No. 2006-367 And
Local Law No. 8

Re: Business Permits

Transmitted herewith for your approval is legislation that will change the City's Certificate of Use to a Business Permit. The Certificate of Use, which was enacted in 1996 and amended in 2002, establishes "regulatory controls to ensure that certain businesses are operating in accordance with the law, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the City of Rochester."

Amendments made to the legislation in 2002 were found to be overly burdensome and intrusive to the majority of the City's business owners who operate their businesses legally. Over the course of the past year, many members of my staff and I met with countless business owners, neighborhood business associations, and community groups to seek input on the Certificate of Use. These proposed amendments reflect a consensus position on a number of the issues raised, and will allow the Rochester Police Department (RPD) and Neighborhood Empowerment Teams (NET) to better meet the original intent of the program while streamlining the bureaucracy to ease the process for new business owners.

The proposed amendments will:

1. Change the name of the program to Business Permit. This name better reflects the concept

of the program and how it fits into the City's regulatory efforts.

2. Expand the types of businesses regulated under the program to include any stores with any retail sales, auto repair shops, auto sales or leases, car washes, gasoline stations and tattoo parlors. This will make the program more fair as these businesses are neighborhood-based and locally owned or operated.
3. Eliminate requirements that taxes be current on the premises at which a business is located. This change will ensure that business owners are not penalized by the actions of an individual or company over which they have no control.
4. Eliminate the requirement that property inspections be completed for every new applicant. Inspections will be performed in cases in which there is reason to believe, according to standards presented in the legislation, that there may be violations, or when additional permits may be required.
5. Reduce the annual fee for the Business Permit to \$25, and stipulate that there will be no renewal fee if the applicant applies for the renewal within 30 days of notification of expiration. The reduced fee will promote the City's commitment to recruiting new businesses and retaining existing ones. The revenue from that fee will cover the administrative costs of maintaining the Business Permit files.
6. Enable the City to withdraw outstanding enforcement tickets against those businesses who were delinquent in applying for the Certificate of Use in 2005, as long as they apply for the Business Certificate within 30 days of application notification. Enforcement action will be resumed against those businesses that do not apply within the 30 day timeframe.

Accompanying legislation enables the refund of \$75 each to the 1446 businesses that complied with the Certificate of Use program in 2005, for a total of \$108,450. These funds will come out of the City's budget for Undistributed Expense. This refund also represents the City's strong support for its legally operating businesses.

In addition to the amendments outlined above, the Administration will report on the results of the Business Permit program to the City Council at six-month intervals using a mutually agreed-upon reporting format.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Conklin moved to amend Int. No. 404.

The motion was seconded by Councilmember Pritchard.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Councilmember Miller moved to amend Int. No. 404.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Ordinance No. 2006-366
(Int. No. 404, As Amended)

Amending The Municipal Code With Respect To Business Permits

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Article II of Chapter 90 of the Municipal Code, Business Certificates of Use, is hereby amended by amending the title to read "Business Permits", by deleting the words "certificate of use" or "certificate" in each place where they are contained therein and by inserting in their place the words "business permit", and by deleting the words "certificates of use" or "certificates" in each place where they are contained therein and by inserting in their place the words "business permits".

Section 2. Section 90-32 of the Municipal Code, Definitions, is hereby amended by adding thereto the following new definition:

AUTOMOBILE SERVICE FACILITY - A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

Section 3. Section 90-32 of the Municipal Code is hereby further amended by amending the following definitions to read in their entirety as follows:

BUSINESS - An automobile service facility, bar, drugstore, food store, laundromat, restaurant, retail store or salon as defined herein.

RETAIL STORE - Any business not otherwise covered by this section which [has less than 20,000 square feet of floor space and] is accessible to the public, where goods, merchandise or equipment are sold, rented or leased at retail. This definition shall exclude businesses that are not for profit and businesses that hold a current sexually oriented business license.

SALON - An establishment where a hairdresser, barber or beautician conducts their trade, or a body piercing studio or a tattoo studio, other than a home occupation.

Section 4. Section 90-34 of the Municipal Code, Application, as amended, is hereby further amended by amending the first sentence of Subsection A thereof to read in its entirety as follows:

An application for a business permit shall be made by the business owner and operator, if other than owner, on forms provided by the Director of NET.

Section 5. Section 90-34 of the Municipal Code is hereby further amended by amending Subsections B and F thereof to read in their entirety as follows:

B. Applications shall only be accepted where all information requested has been supplied and

verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a business permit denied, is ineligible to apply for a business permit during a period of suspension or for a period of one year from the date of revocation or denial. The applicant(s) must also demonstrate to NET that he or she has procured all necessary licenses and permits for the business.

F. The Director of NET shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgments rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application.

Section 6. Section 90-36 of the Municipal Code, Issuance of certificate, is hereby amended by amending the title to read "Issuance of business permit", and by amending Subsections A, C and D thereof to read in their entirety as follows:

A. All new applications for a business permit as of the effective date of this article shall be issued or denied within 30 days after an inspection has found the premises to be code compliant, or within 30 days after receipt of a fully completed application if no inspection needs to be conducted.

C. No business permit shall be issued unless the business premises is in compliance with the Municipal Code.

D. No business permit shall be issued to any business or applicant against whom judgment has been rendered by the Municipal Code Violation Bureau relating to the business or business premises, which judgment has not been satisfied.

Section 7. Section 90-36 of the Municipal Code is hereby further amended by repealing Subsection E thereof and by relettering Subsection F as Subsection E.

Section 8. Section 90-38 of the Municipal Code, Fees, is hereby amended by amending Subsection A thereof to read in its entirety as follows:

A. The annual fee for a business permit shall be \$25; the fee for the replacement of a lost permit shall be \$10. The annual fee for renewal applications which are submitted within 30 days after the mailing of a renewal notice by the City shall be waived. The fee for a conditional business permit as set forth in § 90-41B shall be \$300. The fee for a business permit shall be waived for any business that possesses either a current entertainment license, a secondhand dealer license, an amusement center license, or a pawnbroker license, but there shall be no waiver of fees for a conditional business permit.

Section 9. Section 90-38 of the Municipal Code, Fees, is hereby further amended by repealing Subsection C thereof.

Section 10. Section 90-40 of the Municipal Code,

Transfer of certificate, is hereby amended by amending the title to read "Transfer of business permit", and by deleting the words "the NET Code Enforcement Unit" where they appear in Subsection B thereof and inserting in their place "NET".

Section 11. Section 90-41 of the Municipal Code, Denial of certificate, is hereby amended by amending the title to read "Denial of business permit", and by amending the last sentence of Subsection A thereof to read in its entirety as follows:

The Director of NET shall give a written notification to an applicant of the reasons for the denial of a business permit, and provide the applicant with an opportunity to respond in writing.

Section 12. Section 90-37 of the Municipal Code, Operation of businesses, is hereby amended by amending the first sentence of the introductory paragraph of Subsection F thereof to read in its entirety as follows:

The owner or operator of any business shall maintain good order on and about the premises at all times when the business is open.

Section 90-37 of the Municipal Code, Operation of businesses, is hereby amended by the last sentence of the introductory paragraph of Subsection F and Subsection F(1) thereof to read in its entirety as follows:

The lack of good order shall include, but not be limited to, suffering or permitting the following:

- (1) The premises to become disorderly, including fighting or lewdness.

Section 13. Section 90-42 of the Municipal Code, Revocation of certificate, as amended, is hereby further amended by amending Subsection A thereof to read in its entirety as follows:

- A. The Director of NET, after a hearing has been conducted, shall have the authority to revoke a certificate pursuant to this Code for a violation by the certificate holder, his or her agents or employees of any provision of this Article that would provide a basis for denying a certificate.

Section 14. Businesses which have failed to apply for a required certificate of use by the date of adoption of this Ordinance shall be notified and given 30 days to apply for a business permit. If application for a business permit is made within that time, outstanding tickets and judgments against the business for failure to obtain a certificate of use will be withdrawn and any payments made on the judgments refunded by the Director of Finance. Pending enforcement actions involving businesses that failed to obtain a required certificate of use, which have been adjourned pending a review of the Certificate of Use Program, will be pursued if the businesses do not timely apply for a required business permit.

Section [13] 15. This ordinance shall take effect on January 1, 2007.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2006-367
(Int. No. 405)

Authorizing The Refund Of Certain Certificate Of Use Payments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to establish a program to refund a portion of the payment made by businesses during 2005 for a Certificate of Use. The refunds shall be in an amount of \$75 and shall only be made to businesses which paid the regular \$100 fee. Refunds shall not be made to businesses which obtained a Conditional Certificate of Use. The Director is authorized to establish such requirements as may be necessary to ensure that the refunds go to the appropriate businesses. Payments shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Law No. 8
(Int. No. 406)

Local Law Amending The City Charter With Respect To The Abatement Of Nuisances

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 3-15 thereof, Abatement Of Nuisances, by deleting the words "certificate of use" in each place where they are contained therein and by inserting in their place the words "business permit".

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-368 And
Ordinance No. 2006-369
Re: Midtown Plaza Project

Transmitted herewith for your approval is legislation relating to Midtown Plaza. This legislation will:

1. Authorize an Option Agreement for the City to obtain exclusive rights for a limited time to purchase Midtown Plaza;
2. Authorize an amendatory agreement with Bergmann Associates for the completion of building evaluation services for the possible acquisition of Midtown Plaza.

Midtown Rochester Properties LLC intends to sell the five (5) buildings which constitute Midtown Plaza. It has offered the City an exclusive option which will allow the City to complete any necessary investigations of the Plaza, and to purchase the Plaza. The requested legislation will not require, or even allow, the City to purchase Midtown Plaza. Additional Coun-

cil approval will be required before the City can exercise the option.

The Option Agreement will:

1. Grant the City an exclusive option to purchase Midtown Plaza for a purchase price of \$6,000,000. In order for the City to exercise the option, the purchase must be approved by City Council no later than February 13, 2007;
2. Require the City to pay \$250,000 for the option;
3. Allow the City access to Midtown Plaza to gather information, conduct a survey, complete building, environmental and engineering studies, and complete any other tests deemed necessary by the City to make the determination of whether to purchase Midtown Plaza;
4. Require the City to indemnify Midtown Rochester Properties LLC for any damage caused by or arising out of its building tests;
5. Require the City, if it exercises the option to purchase Midtown Plaza, to complete the purchase by March 30, 2007.

The cost of the Option Agreement will be funded from the 2004-05 Cash Capital Allocation. If the City exercises the option to purchase, the \$250,000 paid for the option will be deducted from the sale price.

Bergmann Associates has an agreement with the City to conduct an initial review of reports and studies of Midtown Plaza. The cost of this initial review will not exceed \$9,750. Authorization is requested for an amendatory agreement to complete a building review of Midtown Plaza. The building review will include an inspection of the general construction, mechanical equipment and systems, fire protection, electrical equipment and systems, and hazardous materials; the development of cost estimates to upgrade the shell and infrastructure of each of the five (5) buildings constituting Midtown Plaza; and the completion of a final report. The amendatory agreement will not exceed \$45,750. This will increase the total amount to be paid to Bergmann to \$55,500. The cost of the amendatory agreement will be funded from the 2006-07 Budget for Undistributed Expense.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-124

Ordinance No. 2006-368
(Int. No. 413)

Authorizing An Option Agreement For The Purchase Of Midtown Plaza

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an Option Agreement with Midtown Rochester Properties LLC whereby the City shall obtain exclusive rights to purchase Midtown Plaza for a purchase price of \$6,000,000. In order for the City to exercise the option, the purchase must be approved by City Council no later than February 13, 2007 and the purchase completed by March 30, 2007. If the

City purchases Midtown Plaza, the option payment will be applied to the purchase price. The Option Agreement shall allow the City to have access to Midtown Plaza to conduct all necessary tests and studies to evaluate the acquisition. The City shall indemnify Midtown for any damage caused by or arising from the tests.

Section 2. The Option Agreement shall obligate the City to pay an amount not to exceed \$250,000, and said amount, or so much thereof as may be necessary, shall be funded from 2004-05 Cash Capital Allocation.

Section 3. The Option Agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Miller, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Conklin, Lightfoot, McFadden - 3.

Ordinance No. 2006-369
(Int. No. 414)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Building Evaluation Of Midtown Plaza

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,750, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for building evaluation services to assist the City in the possible acquisition of Midtown Plaza. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

The meeting was adjourned at 8:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
NOVEMBER 30, 2006
4:30 P.M.

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2006-370 And

Ordinance No. 2006-371

Re: Extension of Nighttime Youth Curfew

Transmitted herewith for your approval is legislation extending Ordinance No. 2006-246 and Ordinance No. 2006-247 in order to continue the pilot period for the Nighttime Curfew for Minors. This legislation will extend the trial period of the curfew to January 31, 2007, and will authorize an amendatory agreement with Hillside Children's Center for continued operation of the curfew facility. No additional funds are necessary.

The curfew is currently due to expire on December 4, 2006. We originally anticipated that there would be a lapse in the curfew while an evaluation is completed on its effectiveness. However, given the current spate of violent incidents in the City, it would be unwise to suspend the curfew at this time. This additional trial period will protect youth from this violence and prevent youth from being involved in crime, avoid the interruption of services provided to at-risk youth, and provide an opportunity for further adjustments to the curfew as indicated by the evaluation.

The extension will allow an analysis of the entire three months of data to be incorporated into the evaluation, allowing the Council to be more fully informed when considering any potential modifications to the curfew that may be necessary or desired. The evaluation will be completed and presented to Council no later than December 28, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-370
(Int. No. 415)

Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

WHEREAS, by Ordinance No. 2006-246, the Council approved a new Chapter 45 of the Municipal Code establishing a nighttime curfew for minors; and

WHEREAS, the curfew is set to expire on December 4, 2006, at which time it was originally anticipated that there would be a lapse in the curfew in order to complete an evaluation of its effectiveness; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that in light of the recent spate of violent incidents in the City, it would be unwise to suspend the curfew at this time. This additional trial period will continue to protect youth from this violence and from being involved in crime, avoid the interruption of services provided to at-risk youth, and provide an opportunity for further adjust-

ments to the curfew as indicated by the evaluation; and

WHEREAS, the curfew evaluation shall be completed and presented to Council no later than December 28, 2006;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246, is hereby extended and shall remain in full force and effect until 5:00 a.m. on January 31, 2007.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Conklin - 1.

Ordinance No. 2006-371
(Int. No. 416)

Authorizing An Amendatory Professional Services Agreement For The Curfew Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendatory agreement with Hillside Children's Center for the operation of a curfew center through January 31, 2007, as originally authorized by Ordinance No. 2006-247.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Meeting was adjourned at 5:10 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
DECEMBER 19, 2006

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony
Retirement:

Library

*Mary Jo Meteyer

Fire Department

Terry P. Murtaugh

Police Department

*William J. Kushner, Jr.

*June D. Collins

*Joseph R. Gallo

*Michael D. Montesano

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of November 14, 2006 and the Special Meeting of November 30, 2006 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3864-7

Public Disclosure - HOME Participation 3865-7

Three Public Disclosures - CDBG Participation 3866-7, 3867-7 and 3868-7

The Director of Zoning Submits Notice of Environmental Determination 3869-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law, public hearing will now be had on the following matter:

Dedication Of Lunsford Lane, Coretta Scott Crossing And The Extension Of Champlain Street Int. No. 447 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
December 19, 2006

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 417 - Authorizing The Sale Of Real Estate

Int. No. 418 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 422 - Authorizing An Agreement For Secured Targeted Initiative Programs And Amending Ordinance No. 2005-342, As Amended

Int. No. 423 - Resolution Endorsing Grant Application For The Monroe Village Task Force

Int. No. 444 - Resolution Endorsing Grant Application For The Bridging Neighborhoods Design Project

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 447 - Dedication Of Lunsford Lane, Coretta Scott Crossing And The Extension Of Champlain Street

The following entitled legislation is being held in committee:

Int. No. 419 - Authorizing The Sale Of Real Estate For The Mildred Johnson Estates Affordable Housing Project

Int. No. 420 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates Affordable Housing Project

Int. No. 421 - Approving A Loan Agreement For The Mildred Johnson Estates Affordable Housing Project

Respectfully submitted,

Carolee A. Conklin

Benjamin Douglas

John F. Lightfoot

Gladys Santiago

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-372
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eleven properties. Staff has audited City records to ensure that purchasers other than those of unbuildable vacant land do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a structure that was sold at the May 10, 2006 Public Auction. The purchaser will be required to rehabilitate the structure in accordance with its legal use within nine months of closing.

The next five properties are unbuildable vacant lots that are being sold to the adjoining property owners for \$1.00. The parcels are considered unbuildable due to their size.

The last five properties are vacant lots that are being sold to Flower City Habitat for Humanity to construct five, new, single-family homes for owner-occupants.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has

agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-125

Ordinance No. 2006-372
(Int. No. 417)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 468 Flint St.
S.B.L.#: 120.75-2-63
Lot size: 45x166
Price: \$8,700
Legal use: 1 Family
Purchaser: La-Tasha M. Baker

Section 2. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| Address S.B.L.# | Lot Size | Sq. Ft. Purchaser |
|--|-------------|-----------------------------------|
| 62 Clifton St. 120.44-1-36 N 1/2 of 440-442 | 40x86 | 2236± Marjorie Fairwell |
| Jefferson Av. Pt of 120.60-1-68 S 1/2 of 440-442 | 18x72 | 1366± Tifnie Properties, Ltd.* |
| Jefferson Av. Pt of 120.60-1-68 | 18x72 | 1366± Oscar F. Coley |
| 23 Malvern St. 105.35-4-17 | 33x82 | 2723± Reginald Robinson |
| 96 Ontario St. 106.66-2-86.1 | 16x115 | 1898± Sadie Larkin |

*Officers: President - Wanda Adams; Vice President - Robert Adams

Section 3. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

| Address S.B.L.# | Lot Size | Sq. Ft. | Price |
|-------------------------------------|-------------|---------|-------|
| 41 Hoeltzer St. 106.29-2-19 | 50x99 | 4950 | \$425 |
| 43 Hoeltzer St. 106.39-2-20 | 50x99 | 4950 | 425 |
| 44-46 Hoeltzer St. 106.39-1-56.1 | 60x133 | 7980 | 425 |
| 49 Hoeltzer St. 106.39-2-22 | 50x99 | 4950 | 425 |

52 Hoeltzer St. 60x133 7980 500
106.39-1-50.1 Flower City Habitat for
Humanity**

**Principals: Edward Lipsky, President; Musette Castle, Vice President; Donna Murano, Secretary; Jeffrey Lewis, Treasurer; Arthur Woodward, Executive Director

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-373
Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a one-year lease agreement between the City and Voyager Boat Sales, Inc. for the continued use of premises located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease is due to expire on December 31, 2006. The new lease will commence January 1, 2007 and expire on December 31, 2007. The monthly rental amount will be \$2,200 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-373
(Int. No. 418)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$26,400, payable in monthly amounts of \$2,200.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-374
Re: Sector Targeted Funding Initiative -
Sector 3 Art Installations

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Charles Settlement House, Inc., for administration of projects in Sector 3 associated with the Sector Targeted Funding Initiative Program (STFI). The cost of this agreement will be financed from the 2000-01 Capital Improvement Program.

The STFI Program was established to provide funding for neighborhood groups to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was provided to each of the ten Neighbors Building Neighborhoods sector areas.

To receive funding, proposals must be for highly visible physical improvements or economic development projects in the sector area (i.e., investment, job creation, retail or commercial services). The proposals must be collaborative, utilizing additional funding, volunteer support, and/or contributed services from other groups, organizations or businesses. Applicants are required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

This project for Sector 3 is intended to further enhance the visibility and attractiveness of the Dutchtown and Susan B. Anthony neighborhoods.

\$20,000 will be used in the Susan B. Anthony neighborhood for a sculpture by Pepsy Kettavong to commemorate the arrest of Susan B. Anthony when she cast her illegal vote. This is a part of the Sector's Master Plan for the creation of a Freedom Way Public Art destination site. \$10,000 will support installation of artwork, "Rochester's Waterways" by Susan Ferri Rowley, on two noise barrier panels on the Glide Street Bridge at I-490.

The required leverage of resources for the Susan B. Anthony sculpture will be matched by the New York State Department of Transportation. The leverage of resources for the Glide Street project includes donated services of the artist, donated materials, and related donated services.

Attached are project budgets.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-126

Ordinance No. 2006-374
(Int. No. 422, As Amended)

Authorizing An Agreement For Sector Targeted Initiative Programs And Amending Ordinance No. 2005-342

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Charles Settlement House, Inc. under the Sector Targeted Initiative Program for funding for the Susan B. Anthony Sculpture Project and art panels for the Glide Street noise barriers.

Section 2. The agreement shall obligate the City

of Rochester to pay an amount not to exceed \$30,000, and of said amount, or so much thereof as may be necessary, \$10,000 shall be funded from the Sector Targeted Funding Initiative and \$20,000 is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2005-342, relating to Neighborhood Improvement Programs, is hereby amended by reducing the funds in the amount of \$20,000 authorized and appropriated for the Monroe Village Strategic Plan from the Other Programs Allocation of the 2005-06 Community Development Program, and by funding that Plan from the Sector Targeted Funding Initiative.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-43
Re: New York State Department of
State Grant Application - South
East Arts Development, Inc.

Transmitted herewith for your approval is legislation endorsing the application of the South East Arts Development, Inc. (SEAD) to the New York State Department of State, Quality Communities Grant Program, for environmental protection funds.

This grant will support the Monroe Village Design and Marketing Project undertaken jointly by SEAD and the Monroe Village Task Force (MVTF), which will contribute to the ongoing redevelopment of the Monroe Avenue commercial strip in Sector 7.

SEAD, a not-for-profit corporation, acts as the fiduciary agent for the MVTF and is applying for this grant on behalf of the MVTF. SEAD will oversee the financial and contractual aspects of the grant administration in cooperation with the MVTF, and oversee the grant's tasks and work plan. Under the terms of the program, not-for-profit organizations located in a distressed municipality may apply for 90% of their project costs. SEAD has proposed project costs of \$100,000 and will seek a grant of \$90,000. The funds will be used to contract for the following services:

| | |
|------------------------------|-----------|
| Village manager | \$ 50,000 |
| Urban designer/planner | 25,000 |
| Market research | 15,000 |
| Graphic and web design | 5,000 |
| Supplies/materials/equipment | 5,000 |
| Total | \$100,000 |

A requirement for funding under the Quality Communities Program is endorsement from the local legislative body, ensuring that projects are consistent with local government policies and goals.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-43
(Int. No. 423)

**Resolution Endorsing A Grant Application For
The Monroe Village Task Force**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby endorses the application of the South East Arts Development, Inc. to the New York State Department of State for the Monroe Village Task Force for inclusion in the Quality Communities Grant Program, and finds that the application is consistent with City policies and goals and will be part of a continuous process of redevelopment of the Monroe Avenue Commercial Strip and Sector #7.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Department of State and to the applicants.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-44
Re: Grant Application - North East
Area Development, Inc.

Transmitted herewith for your approval is legislation endorsing the application of North East Area Development, Inc. (NEAD) to the New York State Department of State, Quality Communities Grant Program for environmental protection funds.

This grant will support the Bridging Neighborhoods Design Project for the intersection of East Main Street and North Goodman Street. Project objectives are to: symbolically and functionally bridge the area; create an impressive and welcoming gateway to the City; enhance and increase Public Market activity; and redesign traffic flow at the intersection.

NEAD, a not-for-profit organization, will act as fiduciary agent for the Bridging Neighborhoods Design Project and is applying for this grant on its behalf. NEAD will oversee administration of the grant. Not-for-profit organizations in distressed municipalities may apply to the Quality Communities Grant program for 90% of their project costs. NEAD seeks a grant of \$90,000 toward overall costs of \$107,500 as follows:

| | |
|---|-----------|
| Multimedia presentation | \$ 25,000 |
| Meetings with the community and officials | 2,000 |
| Banners | 10,000 |
| Planters | 3,000 |
| Flagpoles | 42,500 |
| Pedestal tables | 2,500 |
| Kiosk | 7,500 |
| Project manager | 15,000 |
| Total | \$107,500 |

A requirement for funding under the Quality Communities Program is an endorsement from the local legislative body, ensuring that projects are consistent with local government policies and goals.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2006-44
(Int. No. 444)

**Resolution Endorsing A Grant Application For
The Bridging Neighborhoods Design Project**

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby endorses the application of the North East Area Development, Inc. to the New York State Department of State for the Bridging Neighborhoods Design Project for the intersection of East Main Street and North Goodman Street for inclusion in the Quality Communities Grant Program, and finds that the application is consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Department of State and to the applicants.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-375
Re: Official Map Amendment - Lunsford
Lane, Coretta Scott Crossing and
the Extension of Champlain Street

Transmitted herewith for your approval is legislation amending the Official Map by dedicating as public right-of-way Lunsford Lane, Coretta Scott Crossing and the extension of Champlain Street. These new streets were developed in conjunction with Phase II of the Kennedy/Olean Revitalization Project.

Phase II of the Kennedy/Olean project is nearly complete, with 23 of 48 newly constructed rental townhouses currently occupied. An additional 29 new rental units are being constructed off-site throughout the southwest and northwest neighborhoods. Of these, 21 are completed and occupied.

The Olean Revitalization Project included the construction and naming of three new roadways: Lunsford Lane, a new connector road from Olean Street to Ford Street just south of Cady Street; Coretta Scott Crossing, a new loop street off Olean Street; and the extension of Champlain Street to Ford Street. All three roadways are now substantially complete.

The street dedications will be considered by the City Planning Commission on December 18, 2006; their report will be forwarded to Council before the December 19 Council meeting.

A public hearing on the dedication and naming is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-127

Ordinance No. 2006-375
(Int. No. 447)

Dedication Of Lunsford Lane, Coretta Scott Crossing And The Extension Of Champlain Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Lunsford Lane:

All that tract or parcel of land containing 10,697 square feet, more or less, situate in the Mill Seat Tract, Short Range, in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Olean Revitalization Project, Resubdivision of #50, #56 Olean Street and #649, #651 South Plymouth Avenue" prepared by Stantec Consulting Services, Inc., last revised September 27, 2005, having Drawing Number 18388 V2 and being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly right-of-way line of Olean Street (62 feet wide) with the common property line dividing lands now or formerly of the City of Rochester "Wheatley Library" (T.A. No. 121.53-02-1) on the north and lands now or formerly of the Rochester Housing Authority (T.A. No. 121.53-02-25.1) on the south; thence

- A. S 05°44'45" E, along said easterly right-of-way line, a distance of 98.73 feet to the Point, or Place of Beginning; thence through the aforementioned lands of the Rochester Housing Authority
 1. N 89°22'07" E, a distance of 192.65 feet to a point; thence
 2. N 34°13'51" E, a distance of 13.72 feet to a point in the westerly right-of-way line of Ford Street (width varies); thence
 3. S 20°54'26" E, along said right-of-way line, a distance of 75.30 feet to a point; thence through said lands of the Rochester Housing Authority
 4. N 55°46'09" W, a distance of 16.41 feet to a point; thence
 5. S 89°22'07" W, along a line which is parallel with and 50.00 feet southerly of Course No. 1, a distance of 208.65 feet to a point in the aforementioned easterly right-of-way line of Olean Street (62 feet wide); thence
 6. N 05°44'45" W, along said right-of-way line, a distance of 50.20 feet to the Point, or Place of Beginning.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Coretta Scott Crossing:

All that tract or parcel of land containing 36,139 square feet, more or less, situate in the Mill Seat Tract, Short Range, in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Olean Revitalization Project, Resubdivision of #50, #56 Olean Street and #649, #651 South Plymouth Avenue" prepared by Stantec Consulting Services, Inc., last revised September 27, 2005, having Drawing Number 18388 V2 and being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly right-of-way line of Olean Street (62 feet wide) with the common property line dividing lands now or formerly of the City of Rochester "Wheatley Library" (T.A. No. 121.53-02-1) on the north and lands now or formerly of the Rochester Housing Authority (T.A. No. 121.53-02-25.1) on the south; thence

- A. S 05°44'45" E, along said easterly right-of-way line, a distance of 553.64 feet to a point; thence
- B. S 01°02'11" E, continuing along said easterly right-of-way line, a distance of 43.40 feet to the Point, or Place of Beginning; thence through the aforementioned lands of the Rochester Housing Authority
 1. N 88°57'49" E, a distance of 205.00 feet to a point of curvature; thence
 2. Easterly and southerly, through said lands of the Rochester Housing Authority and continuing through lands now or formerly of the City of Rochester (T.A. No. 121.53-02-24 and 121.61-01-22), on a curve to the right having a radius of 80.00 feet, through a central angle of 90°00'00", a total distance of 125.66 feet to a point of tangency; thence
 3. S 01°02'11" E, through said lands of the City of Rochester, a distance of 140.00 feet to a point of curvature; thence
 4. Southerly and westerly, through said lands of the City of Rochester (T.A. No. 121.61-01-22) and continuing through the aforementioned lands of the Rochester Housing Authority, on a curve to the right having a radius of 80.00 feet, through a central angle of 90°00'00", a total distance of 125.66 feet to a point of tangency; thence
 5. S 88°57'49" W, a distance of 205.00 feet to a point in the aforementioned easterly right-of-way line of Olean Street (62 feet wide); thence
 6. N 01°02'11" W, along said right-of-way line, a distance of 50.00 feet to a point; thence through the aforementioned lands of the Rochester Housing Authority
 7. N 88°57'49" E, along a line which is parallel with and 50.00 feet northerly of Course No. 5, a distance of 205.00 feet to a point of curvature; thence

8. Easterly and northerly, through said lands of the Rochester Housing Authority and continuing through the aforementioned lands of the City of Rochester, on a curve to the left which is concentric with and 50.00 feet northwesterly of Course No. 4, having a radius of 30.00 feet, through a central angle of 90°00'00", a distance of 47.12 feet to a point of tangency; thence
9. N 01°02'11" W, along a line which is parallel with and 50.00 feet westerly of Course No. 3, a distance of 140.00 feet to a point of curvature; thence
10. Northerly and westerly, through said lands of the City of Rochester and continuing through the aforementioned lands of the Rochester Housing Authority, on a curve to the left which is concentric with and 50.00 feet southwest-erly of Course No. 2, having a radius of 30.00 feet, through a central angle of 90°00'00", a distance of 47.12 feet to a point of tangency; thence
11. S 88°57'49" W, along a line which is parallel with and 50.00 feet southerly of Course No. 1, a distance of 205.00 feet to a point in the aforementioned easterly right-of-way line of Olean Street (62 feet wide); thence
12. N 01°02'11" W, along said easterly right-of-way line, a distance of 50.00 feet to the Point, or Place of Beginning.
2. N 34°13'51" E, a distance of 13.72 feet to a point in the westerly right-of-way line of Ford Street (width varies); thence
3. S 20°54'26" E, along said right-of-way line, a distance of 75.30 feet to a point; thence through said lands of the Rochester Housing Authority
4. N 55°46'09" W, a distance of 16.41 feet to a point; thence
5. S 89°22'07" W, along a line which is parallel with and 50.00 feet southerly of Course No. 1, a distance of 277.23 feet to a point in the aforementioned easterly right-of-way line of Olean Street (62 feet wide); thence
6. N 05°44'45" W, along said right-of-way line, a distance of 50.20 feet to the Point, or Place of Beginning.

Subject to any easements or encumbrances exist-ing or of record.

Section 4. This ordinance shall take effect imme-diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 419, Introductory No. 420
And Introductory No. 421

Re: Mildred Johnson Estates

Transmitted herewith for your approval is legislation relating to the Mildred Johnson Estates Affordable Housing Project being undertaken by Housing Op-portunities, Inc. This legislation will:

1. Authorize the sale of 23 City-owned vacant lots to Housing Opportunities, Inc. (HOP), or a sub-sidiary to be formed for the project;
2. Authorize property tax exemptions and pay-ment-in-lieu-of-taxes agreements for the project;
3. Authorize an agreement not to exceed \$100,000, with HOP, or a subsidiary to be formed for the project, in the form of a loan, to subsidize the construction of five of the units to be con-structed;
4. Appropriate \$100,000 from the Rental Hous-ing Fund Allocation of the 2006 HOME Pro-gram to fund the agreement with HOP; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

Mildred Johnson Estates will include twenty-three single family rental housing units to be built on scat-tered sites in the 14621 neighborhood in northeast Rochester. The sites are in areas identified as Chal-lenged Street Projects by the Bureau of Neighborhood Empowerment Team (NET). A property list and map are attached.

HOP has recently been awarded Low Income Hous-

Subject to any easements or encumbrances exist-ing or of record.

Section 3. Chapter 76 of the Municipal Code, Of-ficial Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Champlain Street:

All that tract or parcel of land containing 14,126 square feet, more or less, situate in the Mill Seat Tract, Short Range, in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Olean Revitalization Project, Resubdivision of #50, #56 Olean Street and #649, #651 South Plymouth Avenue" prepared by Stantec Consulting Services, Inc., last revised September 27, 2005, having Drawing Number 18388 V2 and being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly right-of-way line of Olean Street (62 feet wide) with the common property line di-viding lands now or formerly of the City of Rochester "Wheatley Library" (T.A. No. 121.53-02-1) on the north and lands now or formerly of the Rochester Housing Authority (T.A. No. 121.53-02-25.1) on the south; thence

- A. S 05°44'45" E, along said easterly right-of-way line, a distance of 344.71 feet to the Point, or Place of Beginning; thence through the aforementioned lands of the Rochester Housing Authority
1. N 89°22'07" E, a distance of 261.23 feet to a point; thence

ing Tax Credits (LIHTC) and New York State Housing Trust funds for the construction of this project. All units will be for families with 50% or less of median income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority, and four units will be reserved for victims of domestic violence with services provided by Sojourner House. At the end of the fifteen-year tax credit compliance period, the single-family homes will be offered to the tenants for purchase.

Ten homes will be three bedroom colonial style; eight will be four bedroom colonial style; and five will be three bedroom handicapped accessible ranch style.

Project Budget

| | | |
|----------|--------------------------|-------------|
| Costs: | Property acquisition | \$ 11,575 |
| | Soft costs | 431,693 |
| | Construction | 3,799,494 |
| | Construction contingency | 194,042 |
| | Developer fee | 664,946 |
| | Reserves | 51,017 |
| | Working capital | 51,000 |
| | Syndication cost | 50,000 |
| | Total | \$5,253,767 |
| Sources: | City HOME Program | \$ 100,000 |
| | LIHTC Equity | 4,324,000 |
| | NYS Housing Trust Fund | 829,767 |
| | Total | \$5,253,767 |

The City's funds will be used to partially fund five handicapped-accessible homes via a 30-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30-year tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 419

AUTHORIZING THE SALE OF REAL ESTATE FOR THE MILDRED JOHNSON ESTATES AFFORDABLE HOUSING PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Housing Opportunities Housing Development Fund Corporation, for the following amounts, for the construction of housing as a part of the Mildred Johnson Estates Affordable Housing Project:

| Address | Dimensions | Price |
|--------------------|------------|-------|
| SBL # | | |
| 17 Alphonse Street | 71' x 144' | |
| 106.32-2-40.1 | | \$600 |
| 29 Alphonse Street | 71' x 144' | |
| 106.32-2-42.1 | | 600 |
| 50 Alphonse Street | 48' x 137' | |
| 106.32-2-61 | | 475 |
| 8 Bernard Street | 72' x 120' | |
| 106.24-2-70 | | 525 |
| 28 Bernard Street | 69' x 150' | |
| 106.24-2-66.1 | | 600 |

| | | |
|--------------------|------------|-----|
| 82 Bernard Street | 53' x 150' | |
| 106.24-3-44.1 | | 450 |
| 88 Bernard Street | 53' x 150' | |
| 106.24-3-43.1 | | 450 |
| 98 Bernard Street | 53' x 150' | |
| 106.24-3-41.1 | | 450 |
| 126 Bernard Street | 66' x 150' | |
| 106.24-3-35.1 | | 550 |
| 63 Maria Street | 51' x 138' | |
| 106.32-1-47 | | 500 |
| 65 Maria Street | 52' x 139' | |
| 106.32-1-46 | | 500 |
| 67 Maria Street | 39' x 139' | |
| 106.32-1-45 | | 450 |
| 71 Maria Street | 53' x 138' | |
| 106.23-3-63.1 | | 500 |
| 73 Maria Street | 53' x 138' | |
| 106.23-3-62.1 | | 500 |
| 74 Maria Street | 66' x 106' | |
| 106.32-1-4.1 | | 475 |
| 75 Maria Street | 53' x 138' | |
| 106.23-3-60.1 | | 500 |
| 77 Maria Street | 53' x 138' | |
| 106.23-3-57.3 | | 500 |
| 80 Maria Street | 49' x 145' | |
| 106.24-2-71.1 | | 500 |
| 81 Maria Street | 53' x 138' | |
| 106.23-3-57.2 | | 500 |
| 84 Maria Street | 49' x 158' | |
| 106.24-2-73.1 | | 500 |
| 105 Thomas Street | 44' x 146' | |
| 106.32-1-12.1 | | 475 |
| 109 Thomas Street | 44' x 146' | |
| 106.32-1-10.1 | | 475 |
| 122 Thomas Street | 100' x 75' | |
| 106.24-3-49.1 | | 500 |

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Held in committee

Introductory No. 420

APPROVING A PROPERTY TAX EXEMPTION AND AUTHORIZING AN IN-LIEU-OF-TAX AGREEMENT FOR THE MILDRED JOHNSON ESTATES AFFORDABLE HOUSING PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as a part of the Mildred Johnson Estates Affordable Housing Project:

| Address | SBL # |
|--------------------|---------------|
| 17 Alphonse Street | 106.32-2-40.1 |
| 29 Alphonse Street | 106.32-2-42.1 |
| 50 Alphonse Street | 106.32-2-61 |
| 8 Bernard Street | 106.24-2-70 |
| 28 Bernard Street | 106.24-2-66.1 |

| | |
|--------------------|---------------|
| 82 Bernard Street | 106.24-3-44.1 |
| 88 Bernard Street | 106.24-3-43.1 |
| 98 Bernard Street | 106.24-3-41.1 |
| 126 Bernard Street | 106.24-3-35.1 |
| 63 Maria Street | 106.32-1-47 |
| 65 Maria Street | 106.32-1-46 |
| 67 Maria Street | 106.32-1-45 |
| 71 Maria Street | 106.23-3-63.1 |
| 73 Maria Street | 106.23-3-62.1 |
| 74 Maria Street | 106.32-1-4.1 |
| 75 Maria Street | 106.23-3-60.1 |
| 77 Maria Street | 106.23-3-57.3 |
| 80 Maria Street | 106.24-2-71.1 |
| 81 Maria Street | 106.23-3-57.2 |
| 84 Maria Street | 106.24-2-73.1 |
| 105 Thomas Street | 106.32-1-12.1 |
| 109 Thomas Street | 106.32-1-10.1 |
| 122 Thomas Street | 106.24-3-49.1 |

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Housing Opportunities Housing Development Fund Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

Introductory No. 421

APPROVING A LOAN AGREEMENT FOR THE MILDRED JOHNSON ESTATES AFFORDABLE HOUSING PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Housing Opportunities, Inc., or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mildred Johnson Estates Affordable Housing Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Mildred Johnson Estates Affordable Housing

Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Stevenson
December 19, 2006

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 424 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Pool Mechanical System Replacement

Int. No. 425 - Authorizing An Application And Agreements For The Olmsted Parks System Interpretive Signage Project And Amending The 2006-07 Budget

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For A Port Of Rochester Transportation And Parking Study, As Amended

Int. No. 448 - Authorizing An Application And Agreement For A Mount Hope Cemetery Grant

The following entitled legislation is being held in committee:

Int. No. 446 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$54,000 Bonds Of Said City To Finance The Additional Cost Of Preparation Of A Master Plan For Development At The Port Of Rochester

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-376
Re: Genesee Valley Park Pool Mechanical System Replacement

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with M/E Engineering, P.C., Rochester, for mechanical engineering services related to design and construction of the pool mechanical system for the Genesee Valley Park Pool. The cost of the agreement will be financed from the 2004-05 Cash Capital allocation.

The Genesee Valley Park facility was built in 1976

and the pool mechanical equipment, original to the facility, is beyond its useful life cycle. M/E Engineering, P.C. will design and administer the installation of a new piping system in the mechanical room, including pumps, filters, and controls. The new system will eliminate breakdowns during the summer months when the pool is open to the public.

Proposals for the services were solicited from eleven firms; four responded including M/E Engineering, P.C., Erdman, Anthony and Associates, Inc., LaBella Associates, P.C. and IBC Engineering, P.C. Recommendation for selection of M/E Engineering, P.C. is based on the qualifications of the team assigned to the project, and the firm's ability to perform within the City's project schedule.

Design is expected to be complete in the spring of 2007 and construction is anticipated to begin in the fall of 2007. The estimated cost of construction is \$110,000 which is planned for in the 2005-06 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-376
(Int. No. 424)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Pool Mechanical System Replacement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and M/E Engineering, P.C., for mechanical engineering services relating to the design and construction of the mechanical system of the Genesee Valley Park Pool. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-377
Re: Olmsted Parks System, Interpretive
Signage Project

Transmitted herewith for your approval is legislation related to the design and installation of identifying and interpretive signs in Rochester's Olmsted Parks. The legislation will:

1. Authorize an agreement with the U.S. Department of the Interior for the receipt and use of a \$70,000 Federal Preserve America grant;
2. Amend the Cash Capital allocation of the 2006-07 Budget to reflect the grant;
3. Authorize agreements with the County of Monroe and with the Landmark Society of Western

New York related to participation in the project.

The City applied for the Federal Preserve America grant, in collaboration with the County of Monroe and the Landmark Society of Western New York. The grant will provide up to \$70,000 toward the cost of design, fabrication and installation of interpretive and identification signage within the City's Olmsted Park System. The estimated cost of the entire project is \$140,000.

The City will administer the project. The required local match of \$70,000 will be provided as follows:

| | <u>Amount</u> | <u>Source</u> |
|-------------------|---------------|-------------------------|
| Monroe County | \$20,000 | in-kind services |
| Landmark Society | 20,000 | in-kind services |
| City of Rochester | 10,000 | 2002-03 Cash Capital |
| | 10,000 | 2004-05 Cash Capital |
| | <u>10,000</u> | 2006-07 DRYS Budget |
| Total | \$70,000 | |

The signs will be installed in Seneca, Genesee Valley and Highland Parks, and along the parkways connecting the parks to their neighborhoods. Identification signs will be installed at park entrances, and pedestrian-scale interpretive signs will be installed where they are visible and compatible with the historic landscape. This project will contribute to the long-term protection of the parks by educating users about the need to preserve the features that contribute to the history, beauty and function of the parks, and by enhancing the appeal of the parks as a heritage tourism destination.

Rochester is one of just four cities nationwide that boasts an entire park system designed by Frederick Law Olmsted, Sr., and has been cited as one of the finest collections of Olmsted landscapes in the country. Surrounded by some of the city's most stable and desirable residential neighborhoods, the Olmsted Park System, designed in the 1890's, provides Rochester's primary open space. Major events are held in the parks every year, and draw hundreds of thousands of local and out of town visitors.

The City, County and Landmark Society have collaborated through the Olmsted Task Force, which also includes representation from citizens and park advocacy groups. The Task Force was created to promote the parks and to pursue opportunities to educate the public about their historic value.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-377
(Int. No. 425)

Authorizing An Application And Agreements For The Olmsted Parks System Interpretive Signage Project And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of the Interior for fund-

ing under the Federal Preserve America Grant Program for the Olmsted Parks System Interpretive Signage Project.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$70,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The Mayor is hereby further authorized to enter into agreements with the County of Monroe and the Landmark Society of Western New York for participation in the Olmsted Parks System Interpretive Signage Project.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-378 And
Int. No. 446

Re: Port of Rochester Master Plan and
River Street Urban Renewal Area:
Appropriation of Funds

Transmitted herewith for your approval is legislation establishing \$54,000 as maximum compensation for an agreement with Bergmann Associates for services related to the State Environmental Quality Review (SEQR) process as part of the Port of Rochester Master Plan and establishment of the River Street Urban Renewal Area; and authorizing the issuance of bonds in the amount of \$54,000 to fund the agreement.

The City is committed to developing the Port of Rochester as an exciting, unique, residential and retail mixed-use waterfront urban village. The port area is a prime waterfront opportunity for private investment and development. The recently completed planning study by Sasaki Associates, Inc. will be used to guide phased development of the Port over the next five to ten years.

The SEQR process requires a thorough analysis of transportation and parking services for existing conditions, with both low and high density development scenarios.

The contract with Bergmann Associates will include the following key components:

- Supplemental traffic and parking data;
- Traffic and parking generation for high density development scenario;
- Traffic and parking generation for River Street Urban Renewal Area;
- Analysis of future levels of service;
- Recommendation for system improvements;
- Evaluation of parking impacts.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-378
(Int. No. 445, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For A Port Of Rochester Transportation And Parking Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$54,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for a Port of Rochester transportation and parking study. [Said amount shall be funded from a bond ordinance adopted for development of a master plan for port development.] Of said amount, \$5,000 shall be funded from the 2002-03 Cash Capital Allocation and \$49,000 shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 446

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK AUTHORIZING THE ISSUANCE OF \$54,000 BONDS OF SAID CITY TO FINANCE THE ADDITIONAL COST OF PREPARATION OF A MASTER PLAN FOR DEVELOPMENT AT THE PORT OF ROCHESTER

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the additional cost of preparation of a master plan for development at the Port of Rochester (the "Project"). The estimated maximum cost of said specific object or purpose described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$499,500. The plan of financing includes the issuance of \$54,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$445,500 bonds previously appropriated in Ordinance No. 2005-331, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$54,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$54,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.62 of the Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance,

together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-379
Re: Grant Application - New York State
Department of State - Mount Hope
Cemetery

Transmitted herewith for your approval is legislation authorizing a grant application to the New York State Department of State, Quality Communities Program, Environmental Protection Fund for a study related to Mt. Hope Cemetery. A requirement of the program is endorsement from the local legislative body.

The Department of Recreation and Youth Services, Cemetery Division is applying for funds through the Community Open Space program to support studies of the oldest sections of Mount Hope Cemetery. Consultants will be hired to conduct a survey of the historic/cultural landscape and an inventory of the approximately 1,800 trees in the northern end of the cemetery. The focus area encompasses approximately 86 acres of the oldest and most historic sections of the Cemetery, dating from its dedication in 1838.

Tree Inventory

A tree inventory for the designated 86 acres and a tree management plan will be developed that will include care guidelines, specimen removal, and reforestation. The inventory and management plan will be provided in electronic format, enabling greater access to both Cemetery and Forestry staff. Estimated cost for this portion of the project is \$22,900.

Historic/Cultural Landscape Survey

This report will address the need for detailed and comprehensive documentation of the landscape and its evolution. The survey will provide information needed for proper management, and about the history and significance of the landscape that can be incorporated into the interpretive program for the site. The model proposed for this report will adhere to that used by the National Park Service. The estimated cost is \$74,580.

Total cost for the project is approximately \$99,300; the Quality Communities Program requires a minimum of 20% of matching funds. The City will commit 30% through the 2006-07 Budget and in-kind staff support. Additionally, the Rochester Cemeteries Heritage Foundation is contributing its \$8,000 grant from the Preservation League of New York, and the Friends of Mount Hope is providing \$12,600 from the Lloyd E. Klos Fund of the Rochester Area Community Foundation to this initiative.

The total requested from the State is \$69,480.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-379
(Int. No. 448)

**Authorizing An Application And Agreement For
A Mount Hope Cemetery Grant**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of State for funding under the Quality Communities Program for a historic/cultural landscape report and tree inventory of the oldest sections of Mount Hope Cemetery. The Council finds that the application is consistent with City policies and goals.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
December 19, 2006

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 426 - Cancellation Of Taxes And Charges

Int. No. 428 - Approving Applications, Agreements And The 2007 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs

Int. No. 430 - Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program

Int. No. 431 - Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For Civilian Employees

Int. No. 440 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 442 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

The following entitled legislation is being held in committee:

Int. No. 427 - Resolution Approving Procurement Process Contacts Policy

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller
Lois J. Giess
Gladys Santiago

FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-380
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$18,150.

A total of eight properties had code violations in the amount of \$18,150, 100.00% of the cancellations, that were incurred by a former owner.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$359,174.99.

| | <u>Accounts</u> | <u>Amounts</u> |
|----------------|-----------------|------------------|
| City Council | 74 | \$303,419.14 |
| Administrative | <u>138</u> | <u>55,755.85</u> |
| Total | 212 | \$359,174.99 |

These cancellations represent .156% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-380
(Int. No. 426)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) Ownership of these properties recently transferred. The code violations associated with these properties were issued against the former owner. The charges remain unpaid and have been forwarded to the Municipal Code Violation Bureau for collection.

| <u>S.B.L.#</u> | <u>Class</u> | <u>Tax Year</u> | <u>Amount Cancelled</u> |
|---------------------|--------------|-----------------|-------------------------|
| <u>Address</u> | | | |
| 105.510-0003-027 | H | | |
| 923 N. Plymouth Av. | | 2007 | \$ 1,650.00 |
| 107.610-0002-059 | H | | |
| 396 Garson Av. | | 2007 | 3,750.00 |
| 120.700-0001-020 | H | | |
| 1024 Arnett Blvd. | | 2006 | 2,900.00 |
| 120.710-0003-042 | H | | |
| 90 Marlborough Rd. | | 2007 | 1,000.00 |
| 120.740-0002-042 | H | | |
| 80 Melrose St. | | 2007 | 1,800.00 |
| 120.830-0002-072 | H | | |
| 204 Earl St. | | 2007 | 1,800.00 |
| 135.260-0001-005 | H | | |
| 125 West High Ter. | | 2006 | 1,650.00 |
| | | 2007 | 1,800.00 |
| 136.480-0001-064 | H | | |
| 132 Meadowbrook Rd. | | 2007 | <u>1,800.00</u> |
| Grand Total | | | \$18,150.00 |

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed

to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-381
Re: 2007 Rochester-Monroe County
Youth Bureau

Transmitted herewith for your approval is legislation related to the Rochester-Monroe County Youth Bureau. This legislation will:

1. Approve the 2007 administrative and program budgets of the Youth Bureau;
2. Authorize agreements required to implement these budgets;
3. Appropriate \$231,831 from the 2006-07 Budget of which:
 - a. \$92,740 is the City's contribution to the Youth Bureau's Administrative Budget, 50% (\$46,370) of which will be reimbursed to the City directly from the New York State Office of Children and Family Services.
 - b. \$139,091 is the City's contribution for program contracts, 100% of which will be reimbursed to the City directly from the New York State Office of Children and Family Services; and
4. Authorize subsequent amendments to these agreements that may be required by the New York State Office of Children and Family Services.

The Youth Bureau, jointly established by the City and County, provides a county-wide planning and service delivery system devoted to the welfare and development of children and youth. It is supervised by a Citizen/Youth Board, administered by the County, and supported financially by the City, the County and the NYS Office of Children and Family Services. The annual budget of the Youth Bureau is subject to the approval of the City and County.

The proposed 2007 budget provides for administrative costs of \$491,731, a 15.9% increase from 2006. The City's 2007 contribution is \$92,740, 18.9% of the total.

The proposed 2007 budget also provides for the operation or administration of the following programs by the City:

| Program | 2006 Amount | 2007 Amount |
|---|----------------|----------------|
| DRYS Recreation Bureau - Youth Recreation | \$ 91,438 | \$ 91,438 |
| SPCC - Family Violence Prevention | 24,791 | 24,791 |
| Baden - Project Base | 16,088 | 16,088 |
| Baden - Project Odyssey | 6,774 | 6,774 |
| Total | \$139,091 | \$139,091 |

The following agreements are expected to be required to implement the program budget:

1. NYS Office of Children and Family Services, for partial financing of the programs and projects;
2. Rochester-Monroe County Youth Bureau, for the administration of the program;
3. Society for the Protection and Care of Children, for operation of the Family Violence Program;
4. Baden Street Settlement, for operation of Project Base and Project Odyssey.

The County Legislature will also consider the 2007 Youth Bureau budget in December 2006. The most recent Council action on this item was in December 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-381
(Int. No. 428)

Approving Applications, Agreements And The 2007 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2007 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2007 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2007 Comprehensive Youth Services Plan. The City's required contribution to the 2007 Youth Bureau Budget shall be financed equally from the 2006-07 and 2007-08 Budgets of the Department of Recreation and Youth Services, contingent upon approval of the latter budget.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Violence Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$24,791, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Base. Said agreement shall obligate the City to pay an amount not to exceed \$16,088, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$6,774, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 5. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-382
Re: Agreement - EBS Benefit Solutions -
Flexible Spending and Parking/Transit
Reimbursement Account Administration

Transmitted herewith for your approval is legislation establishing \$63,000 as maximum compensation for an agreement with EBS Benefit Solutions, Rochester, for administration of the Flexible Spending Account (FSA) and Parking/Transit Reimbursement Account (PTRA) Programs for City employees. This agreement will be funded in equal amounts from the 2006-07, 2007-08, and 2008-09 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Bids for the FSA and PTRA plans were solicited, resulting in six vendor submissions. In addition to EBS Benefit Solutions, bids were received from Health Economics Group, Benefits Resource, Inc., Paychex, ADP and Benefits Plus.

The recommendation to continue with EBS is based on the following:

Proposed rates of \$2.55 per enrollee/per month for FSA and \$1.85 per enrollee/per month for PTRA are lower than all of the other received proposals.

Effective relationships with EBS have been developed concerning the administration of the FSA and PTRA programs including the transfer of money, the production of reports and newly-added online administrative capabilities.

EBS is able to provide an automatic claims transfer option that reduces the need to file manual claims for reimbursement. None of the other vendors provide this option.

EBS is an Excellus Company with corporate and administrative offices located in the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-382
(Int. No. 429)

Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$63,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EBS Benefit Solutions to administer the Flexible Spending and Parking/Transit Reimbursement Programs for a term of three years.

Of said amount, \$21,000 shall be funded from the 2006-07 Budget for Undistributed Expense, \$21,000 shall be funded from the 2007-08 Budget for Undistributed Expense, and \$21,000 shall be funded from the 2008-09 Budget for Undistributed Expense, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-383
Re: Agreement - Newport Alliance for
Business Health - Drug and Alcohol
Testing Program

Transmitted herewith for your approval is legislation establishing \$45,600 as maximum annual compensation for a two-year agreement with Newport Alliance for Business Health (Newport, RI) for the continued administration of the drug and alcohol testing program. The annual cost of the agreement will be funded from the 2006-07 and 2007-08 budgets for Undistributed Expenses.

Newport Alliance for Business Health will provide, as required by the Omnibus Transportation Employee Testing Act, random and follow-up testing for drugs and alcohol for employees whose duties require the possession of a commercial driver's license. Newport Alliance for Business Health will also provide drug and alcohol testing for employees of the Emergency Communications Department, which is a collective bargaining agreement mandate. Additionally, pre-employment testing will be performed for Police Officer and Firefighter candidates.

Newport Alliance for Business Health has administered the City's drug and alcohol testing program from its inception. The most recent agreement for these services was authorized by City Council on December 21, 2004.

Bids were solicited from eight vendors, resulting in six proposals. The other vendors who submitted proposals were: Concentra, Energetix, Pembroke Occupational Health, Inc., Riverfront Medical Services, and The University of Rochester - Occupational Environmental Medicine. Newport Alliance is recommended based on their competitive pricing structure and the City's previous positive experience with the company.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-383
(Int. No. 430)

Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,600, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Newport Alliance for Business Health.

ance for Business Health for continued administration of the drug and alcohol testing program for a term of two years. Said amounts shall be funded from the 2006-07 and 2007-08 budgets for Undistributed Expense, contingent upon approval of the subsequent budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-384
Re: Medical Services - Non-Uniformed
Employees, Strong Occupational
and Environmental Medicine

Transmitted herewith for your approval is legislation authorizing an agreement with Strong Occupational and Environmental Medicine for medical services for civilian City employees. The term of this contact will be for two years with an option for two one-year renewals.

These services include pre-employment physical examinations, backup drug testing, vaccinations (tetanus, hepatitis, flu shots, etc), fitness-for-duty evaluations, on-the-job injury treatment (non-emergency), regular audiograms and respiratory evaluations, return-to-work evaluations and various targeted training workshops. The current contract with Strong OccuMed has been in place since January 1, 2003 and will expire on December 31, 2006.

The agreement shall provide for all regular medical services and for additional special services, the fees for which shall be established in the agreement and which shall not exceed funds available in the annual budgets for Undistributed Expense for this purpose. There is no base contract; this is a fee-for-service contract. Costs for the past two years were \$21,591 and \$20,404, respectively.

Bids for these services were solicited; four firms responded. A cross-departmental committee reviewed the four submissions and interviewed all four providers. In addition to Strong OccuMed, proposals were received from Finger Lakes Occupational Services, Dr. Boris Shmigel, and Concentra.

Based on their fee schedule and services provided, the review committee unanimously recommended Strong OccuMed as the City's medical services provider. A list of services and fees is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-128

Ordinance No. 2006-384
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For Civilian Employees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is further authorized to en-

ter into an agreement with Strong Occupational and Environmental Medicine for medical services for civilian City employees for a term not to exceed two (2) years, with an option to renew for an additional two (2) one-year periods. The agreement shall provide for all regular medical services and for additional special services, the fees for which may be established in the agreement and which shall not exceed funds available in the annual budgets for Undistributed Expense for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2006-45
Re: Commissioner of Deeds

Transmitted herewith for your approval is legislation related to the issuance of Commissioner of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2007 and 2008. Since January 2002, fewer than 200 have been issued, so the 250 annual maximum is expected to be sufficient to meet projected demand.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2006-45
(Int. No. 440)

Resolution Establishing The Maximum Number Of Commissioners Of Deeds

BE IT RESOLVED, by the City Council of Rochester as follows:

Section 1. During calendar years 2007 and 2008, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2007.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-385
Re: Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with The Ferguson Group LLC (Washington, D.C.), for creating and implementing federal legislative, regulatory, and appropriation strategies on behalf of the City. The cost of the agreement will be financed from the 2006-07 Mayor's Office Budget.

The Ferguson Group will work with Rochester's Congressional delegation on an ongoing, regular basis, as well as working and maintaining relationships with other members of Congress. This agreement will entail arranging meetings for City officials and staff with key Washington leaders, including members of Congress, their staffs, and federal agency officials.

Other responsibilities include maintaining ties with key policy makers and opinion leaders to advance the City's interests and providing information to the Mayor and identified staff on:

- Current and proposed federal laws and regulations that affect City of Rochester's interests
- Information and testimony from legislative hearings
- Federal agency and department regulations, guidelines, and directives

Proposals were solicited from nine firms; in addition to the Ferguson Group, responses were received from PMA Associates, Alcalde & Fay, and Holland & Knight. Following review by an interdepartmental team, Ferguson and PMA were invited for interviews. The Ferguson Group was unanimously selected based on their qualifications and extensive examples of successful efforts in other municipalities.

The term of this agreement will be for one year, through December 31, 2007. Any future agreements will be based on a demonstrated return on investment and satisfactory progress towards legislative, regulatory and appropriations strategies. Funding and legislative goals in the first year will focus on physical infrastructure improvements and community revitalization.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-385
(Int. No. 442)

Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 427
Re: Contract Procurement Policy

Transmitted herewith for your approval is legislation adopting a policy restricting communications with the City during the contract procurement period. This policy will apply to all contracts in excess of \$15,000, including competitively bid contracts, professional services agreements, revenue contracts and contracts for the purchase, sale or lease of real property.

This policy has been developed pursuant to New York State Finance Law Sections 139-j and 139-k which

require all governmental entities in the State to adopt specified procedures with respect to permissible contacts during the contract procurement period, from the earliest point of solicitation of a procurement contract through the final contract award.

In addition to the Policy on Contacts During the Procurement Process, which will become part of every City request for proposal, bid document and other solicitation for contracts, a disclosure form and amendments to the City's standard contract boilerplate have been developed in compliance with the Finance Law requirements.

The full text of the policy is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 427

RESOLUTION APPROVING PROCUREMENT PROCESS CONTACTS POLICY

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following policy on contacts during the procurement process:

POLICY ON CONTACTS DURING THE PROCUREMENT PROCESS

Purpose:

State Finance Law §§ 139-j and 139-k (the "Statutes"), were adopted to reform the procurement process for all governmental entities in the State, specifically with respect to contacts made during the contract procurement process. The following policy is intended to insure compliance with the requirements of the Statutes.

Policy Summary:

Pursuant to State Finance Law §§ 139-j and 139-k, all invitations to bid, requests for proposals and solicitations of any kind for City contracts, are subject to certain restrictions on communications with the City or any other governmental entity, during the restricted period, the time from the earliest solicitation of bids or proposals for a City contract until the final contract award ("Restricted Period"). During this Restricted Period, contacts with the City may only be through the City's designated contact person, unless the contact falls within the exception set forth in State Finance Law §139j(3)(a). City employees are also required to obtain certain information when contacted during the Restricted Period and to make a determination of the responsibility pursuant to the statute. Findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four (4) year period can result in debarment from obtaining government Procurement Contracts.

DEFINITIONS

As used herein, the following terms shall have the meanings set forth below:

Article of Procurement - A commodity, service, technology, public work, construction, revenue contract, the purchase, sale or lease of real property or an ac-

quisition or granting of other interest in real property, that is the subject of a City Procurement.

Contacts - Any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence the City Procurement.

City Procurement - (a) the preparation or terms of the specifications, bid documents, request for proposals, or evaluation criteria for a Procurement Contract, (b) solicitation for a Procurement Contract, (c) evaluation of a Procurement Contract, (d) award, approval, denial or disapproval of a Procurement Contract, or (e) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the Procurement Contract as it was finally awarded or approved), renewal or extension of a Procurement Contract, or any other material change in the Procurement Contract resulting in a financial benefit to the Offerer.

Offerer - The individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts the City or other governmental entity about a Procurement Contract during the Restricted Period.

Procurement Contract - Any contract or other agreement for an Article of Procurement involving an estimated annualized expenditure in excess of Fifteen Thousand Dollars (\$15,000). Grants, article eleven-B state finance law contracts (i.e. any contract providing for a payment under a program appropriation to a not-for-profit corporation), intergovernmental agreements, railroad and utility force accounts, utility relocation project agreements or orders and eminent domain transactions shall not be deemed Procurement Contracts.

Designated Contact - The person or persons designated by the City for each Procurement Contract who may be contacted by Offerers relative to the City Procurement.

Restricted Period - The period of time commencing with the earliest written notice, advertisement or solicitation of a proposal or bid, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract and ending with the final contract award and approval by the appropriate entity.

A. AUTHORIZED CITY CONTACTS DURING RESTRICTED PERIOD

The Designated Contact for competitively bid contracts shall be the Purchasing Agent staff person(s) and the user department staff person(s) as set forth in the bid specifications. The Designated Contact for all other City contracts and agreements shall be the staff person(s) set forth on the Request for Proposal or other solicitation document.

All Contacts between an Offerer and the City during the Restricted Period for each Governmental Procurement shall be made through the Designated Contact only ("Permissible Contact") unless one of the following exceptions applies:

1. The submission of written proposals in response to a request for proposals, invitation for bids or any other method of soliciting a

response from Offerers intending to result in a Procurement Contract (collectively, "Solicitation Documents");

2. The submission of written questions to the Designated Contact, when all written questions and responses are to be disseminated to all Offerers who have expressed interest in the Solicitation Documents;
3. Participation in a conference provided for in any Solicitation Documents;
4. Complaints made in writing to the Corporation Counsel by an Offerer regarding the failure of the Designated Contact to respond in a timely manner to authorized Offerer Contacts, provided that such written complaints become part of the procurement record;
5. Offerers who have been tentatively awarded a contract and are communicating with the City for the sole purpose of negotiating the terms of the contract after being notified of tentative award;
6. Contacts between the City Contact and an Offerer in which the Offerer requests the review of a procurement award;
7. Contact by Offerers in protests, appeals or other review proceedings before the City seeking a final administrative determination, or in a subsequent judicial proceeding;
8. Complaints of alleged improper conduct in a Governmental Procurement made to the Attorney General, Inspector General, District Attorney or court of competent jurisdiction;
9. Written protests, appeals or complaints to the State Comptroller's Office made during the process of contract approval, when the State Comptroller's approval is required by law; provided that such written complaints become part of the Procurement Record; and
10. Complaints of improper conduct by the City administration or City Council in a Governmental Procurement made to the State Comptroller's Office.

B. OTHER PROHIBITED OFFERER ACTIVITIES

In addition to utilizing the designated Contact Person for all contacts with the City, the following additional rules shall apply to all Offerers:

1. Offerers shall not attempt to influence the City's Governmental Procurement in a manner that would result in a violation of any State ethics/conflict of interest statute or the City's Code of Ethics or Conflict of Interest Policies; and
2. Offerers are prohibited from contacting any member, officer or employee of a governmental entity other than the City, during the Restricted Period regarding the City's pending procurement, except that this prohibition shall not apply to Contacts between an Offerer and a member of the State Legislature or legislative staff about a governmental entity other than the State Legislature, or a member of the State Legislature or legislative staff con-

tacting a governmental entity about a Governmental Procurement being conducted by a governmental entity other than the state legislature, provided that the member of the State Legislature or legislative staff is acting in their official capacity.

C. PROCUREMENT RECORD

For each City Procurement, the City shall maintain a procurement record ("Procurement Record"), including all written materials pertaining to the specific City Procurement. Upon any Contact in the Restricted Period, the City shall obtain the name, address, telephone number, place of principal employment and occupation of the person or organization making the Contact and inquire and record whether the person or organization making such contact was the Offerer or was retained, employed or designated by or on behalf of the Offerer to appear before or contact the City about the Governmental Procurement. The Procurement Record shall include all recorded Contacts described in the prior sentence, whether such Contacts are permissible or impermissible Contacts. The Procurement Record shall not include communications that a reasonable person would infer are not intended to influence a City Procurement. The City shall keep a written or electronic copy of the Procurement Record for a period of six years from the end of the Restricted Period for each City Procurement.

D. REQUIRED AFFIRMATION AND DISCLOSURE

This Policy document shall be included with and be incorporated into all Solicitation Documents issued by the City of Rochester. In each response to any Solicitation Documents, the Offerer shall complete the following in a timely and accurate fashion:

1. "Offerer Affirmation of Understanding of and Agreement" pursuant to State Finance Law §§ 139-j(3) and 139-j(6)(b), set forth at the end of this document;
2. "Offerer Disclosure of Prior Non-Responsibility Determinations", certified as required by State Finance Law § 139-k (5), in the form provided as Appendix "A" hereto. The failure of an Offerer to comply with such disclosure requirements will subject the Offerer to the sanctions described in Paragraph G below, as well as any other penalties permitted by law.

E. REQUIREMENTS OF THE CITY PRIOR TO AWARDING THE PROCUREMENT CONTRACTS

Prior to conducting an award of a Procurement Contract, the City Purchasing Agent or user department person responsible for award of contracts shall:

1. Make a final determination of responsibility of the proposed awardee in accordance with the City's existing procedures;
2. Make a final determination of responsibility of the proposed awardee that measures compliance with the State Finance Law provisions regarding (i) Permissible Contacts and

(ii) disclosure of all information required in any Solicitation Materials (including, but not limited to, prior finding of non-responsibility by any governmental entity); and

3. Make a final determination that the procurement process for such proposed award was free from any conduct prohibited under Public Officers Law §§73(5) and 74 or the City's Code of Ethics.

F. ALLEGED VIOLATION; PROCEDURE

1. Any employee of the City who becomes aware that an Offerer has violated this Policy or the Statutes shall:

(a) Immediately notify the City's Director of Finance, with respect to competitively bid contracts or the Director of the Office of Public Integrity, with respect to all other City procurements, who shall immediately investigate the alleged violation(s).

(b) If, after commencing the investigation, the Director of Finance or the Director of the Office of Public Integrity find that there is sufficient cause to believe the alleged violation has occurred, s/he shall give the alleged violating Offerer reasonable notice (in the form of a certified letter, return receipt requested) informing him/her of the allegations and providing him/her with an opportunity to be heard regarding the allegations.

(c) If, following the opportunity to be heard, the Director of Finance or the Director of the Office of Public Integrity determines that the Offerer has knowingly and willfully violated this Policy, the Statutes or any other applicable procurement disclosure standards affecting employees of the City, the Offerer shall be subject to sanctions described in Paragraph G below.

2. The Director of Finance and the Director of the Office of Public Integrity shall report to the ethics officer of another governmental entity any violation of the statutes by an Offerer or by such other governmental entity's employees. The Director of the Office of Public Integrity shall be the person designated to receive similar communications coming from another governmental entity.

G. SANCTIONS

1. Upon a finding by the Director of Finance or the Director of the Office of Public Integrity that an Offerer has knowingly and willfully violated this Policy, the Statutes or any other applicable procurement disclosure standards affecting employees of the City, the Offerer shall be subject to the following sanctions, as well as any other penalty permitted by law:

(a) The Offerer shall be deemed "non-responsible" and such Offerer (along with its subsidiaries and any other related or successor entity) shall not be awarded the Procurement Contract, unless the City finds that the following special circum-

stances exist:

- (1) The award to the offending Offender is necessary to protect public property or public health or safety; and
 - (2) The offending Offender is the only source capable of supplying the required Article of Procurement within the necessary timeframe.
- (b) In addition, the Director of Finance or the Director of the Office of Public Integrity shall notify the State Office of General Services of the finding on non-responsibility. A second finding of non-responsibility under the Statutes within four (4) years will render the Offender (along with its subsidiaries and any other related or successor entities) ineligible to submit a proposal on or be awarded any Procurement Contract for four (4) years from the date of the second final determination of non-responsibility, unless the special circumstances outlined in subparagraph 1 above exist.

Section 2. This resolution shall take effect immediately.

Held in committee

By Councilmember McFadden
December 19, 2006

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 432 - Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

Int. No. 433 - Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For Uniformed Employees

Int. No. 434 - Authorizing The Granting Of A Permanent Easement To The County Of Monroe

Int. No. 441 - Amending The 2006-07 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 449 - Amending The Municipal Code With Respect To Dogs, As Amended

Int. No. 450 - Amending The Municipal Code With Respect To Cats, As Amended

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-386

Re: New York State/Division of Criminal Justice Services, Juvenile Accountability Incentive Block Grant

Transmitted herewith for your approval is legislation authorizing receipt and use of a New York State/Division of Criminal Justice Services, Juvenile Accountability Incentive Block Grant (JABG), in the amount of \$17,130, under the Balanced and Restorative Justice Program.

This JABG grant will be used to continue the Juvenile Accountability Conferencing (JAC) Project. These conferences are used to evaluate a juvenile offender's eligibility for diversion and enable the juvenile to make amends to the victim and the community, by imposing graduated sanctions.

During the previous grant period, JAC worked with 140 youths to apply the above incentives for accountability and responsibility. The program continues to have one of the lowest recidivism rates in the country, approximately 11%.

The funding will underwrite the salary and benefits cost of a Counseling Specialist in the Family and Victims Services Section of the Police Department. The grant award of \$17,130 and 10% match are included in the 2006-07 budget. This is the 8th year of funding under this JAC program. The previous round was authorized by City Council in July 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-386
(Int. No. 432)

Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Incentive Block (JABG) Grant Program.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-387

Re: Amendatory Agreement - Boris Shmigel, MD - Occupational Medical Consulting for Firefighters and Police Officers

Transmitted herewith for your approval is legislation authorizing a one-year extension of an existing agreement with Boris Shmigel, MD, for the provision of Occupational Medical Consulting for Firefighters and Police Officers. These services include emergency and routine evaluations for work-related injuries, re-

turn to duty medical evaluations, provision of required immunizations to designated employees, referrals to specialists and other medical services.

The original agreement, authorized in 2002 (Ordinance No. 2002-371), was for two years, beginning on January 1, 2003, with authorization for two one-year renewal options. However, the actual contract was mistakenly written for three years with two one-year renewals. Since this error only recently came to our attention, there is not sufficient time to issue a request for proposal and to subsequently review proposals. It is recommended that Dr. Shmigel be retained for 2007 and that an RFP be issued for these services for 2008 and beyond.

This amendment will renew the agreement for an additional year, with a base fee of \$48,000 and fixed unit costs for additional special services. Funding for this agreement will come from the Undistributed Expense allocations of the 2006-07 and 2007-08 Budgets. The agreement shall also provide for additional special services, the fees for which have been established in the original agreement. The total paid in calendar year 2005 (including the base fee) was \$197,571; for 2006, to date, the total is \$171,009.

During 2007, the Fire and Police Departments will develop and issue an RFP seeking a provider for future medical examinations and occupational medical consultation services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-387
(Int. No. 433)

Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For Uniformed Employees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$48,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Boris Shmigel, M.D. for medical services for uniformed police and fire employees for a term not to exceed one year. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense. The amount authorized herein shall provide full payment for all regular medical services under the agreement. The agreement shall also provide for additional special services, the fees for which may be established in the agreement and which shall not exceed funds available in the annual budgets of the Rochester Police Department and the Rochester Fire Department for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-388
Re: Easement -1205 N. Clinton Avenue

Transmitted herewith for your approval is legislation authorizing the granting of an easement to the County

of Monroe for the purpose of constructing and maintaining a communications tower on the Rochester Fire Department facility at 1205 N. Clinton Avenue. This new public safety communications facility will improve the communications of Fire, Police and Emergency Medical Services; it will also enable the implementation of a new digital paging system.

A 409 sq. ft. area in the southwest corner of the parcel will be developed with a 120-foot monopole and an 8' by 10' shed for storage of equipment to service the tower. The 81-foot tower, owned by the County, which is currently on site, will be removed.

The easement will be granted for no monetary consideration.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-388
(Int. No. 434)

Authorizing The Granting Of A Permanent Easement To The County Of Monroe

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the granting of a permanent easement to the County of Monroe over a portion of the southwest corner of the parcel at 1205 North Clinton Avenue for the construction and maintenance of a communications tower.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-389
Re: Appropriation of Forfeiture Funds
for Greater Rochester Area Narcotics
Enforcement Team (GRANET)

Transmitted herewith for your approval is legislation authorizing appropriation of \$130,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2006-07 Budget of the Police Department by its inclusion.

The mission of GRANET is to achieve maximum coordination, cooperation and combined resources of member agencies to investigate narcotic related offenses in the greater Rochester/Monroe County area. GRANET also participates in the Greater Rochester Area Special Operations Group, which coordinates with other agencies investigating violent crime and the illegal use of firearms.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize accumulated asset forfeiture funds for operational expenses, including communi-

cations, electronic surveillance, confidential evidence funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. This will be the second appropriation of forfeiture funds for GRANET operations during 2006-07. The previous funding was authorized by Ord. 2006-236 in July 2006. The undesignated balance in the GRANET's forfeiture fund as of November 29, 2006 is approximately \$226,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-389
(Int. No. 441)

Amending The 2006-07 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$130,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-390 And
Ordinance No. 2006-391
Re: City Code Amendments - Animal Control

Transmitted herewith for your approval is legislation amending Chapters 30 and 31 of the City Code to mandate the sterilization of all cats and dogs reclaimed by owners prior to release of such pets from the City's Animal Services Center; and to provide new definitions and minor updates to adoption fees.

The City is experiencing a significant overpopulation of unwanted cats and problems related to stray and roaming dogs. These matters affect public health, safety, and the quality of life. Approximately 5,500 dogs and cats entered the City's Animal Services shelter in 2005-06; 90% were not neutered. These non-sterilized stray and abandoned animals reproduce at alarming rates, increasing the risk of rabies infections. The animals are also at high risk of starvation, parasite infestations, exposure to harsh weather conditions, poisoning, and being killed by vehicles. Also, dogs are often being bred irresponsibly with little regard for health or temperament. Sterilization, by eliminating random breeding, helps to improve health, reduce

roaming tendencies, undesirable behaviors, and dominance aggression in the dog population.

For these reasons this legislation requires that all cats and dogs be sterilized prior to being released from the shelter. Certain exceptions will be allowed as described in the legislation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-390
(Int. No. 449, As Amended)

Amending The Municipal Code With Respect To Dogs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 31 of the Municipal Code, Dog Control, as amended, is hereby further amended by amending Section 31-2, Definitions, by adding thereto the following new definition where it should appear in alphabetical order:

STERILIZATION - Rendering a dog that is at least eight weeks of age unable to reproduce by surgically altering the dog's reproductive organs. Such definition shall include the spaying of a female dog and the neutering of a male dog.

Section 2. Section 31-20 of the Municipal Code, Fees for dog licenses and dog control activities, as amended, is hereby further amended by amending Subsection A thereof to read in its entirety as follows:

- A. The fees for procuring a New York State dog license in the City shall be as follows:
 - (1) Spayed female dogs and neutered male dogs: \$5.50.
 - (2) Un-altered dogs under four (4) months of age: \$12.50.
 - (3) Un-altered dogs four (4) months of age and over: \$15.50

Section 3. Section 31-20 is hereby further amended by repealing Subsection B(4) and by amending Subsection B(1) thereof to read in its entirety as follows:

- (1) The fees for redeeming any dog placed in the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: seizure, daily boarding, rabies vaccination, sterilization and New York State dog license. There shall be no waiver of the boarding fee for a dog that is redeemed on the day of seizure.

Section 4. Section 31-20 is hereby further amended by amending Subsection C thereof to read in its entirety as follows:

- C. The fees for adopting a dog from the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: adoption, rabies vaccination, sterilization and New York State dog license.

Section 5. There is hereby added to the Municipal Code the following new Section:

§ 31- 22. Sterilization required.

A. The City of Rochester is experiencing a host of challenges related to stray and roaming dogs. These are matters of serious concern affecting public health, safety, quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, non-sterilized dogs reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Additionally, dogs, including many reclaimed from the Animal Services Center, are being intentionally bred irresponsibly throughout the City with little regard for health or temperament of the breeding pair and the resulting offspring. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies, undesirable behaviors, and possibly dominance aggression, all of which impact dog intakes at shelters. Given the benefits of sterilization that address the challenges of dog control, Animal Services finds that a law providing for the spaying and neutering of dogs adopted or redeemed from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the [Protection] Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, puppies heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If dogs are spayed or neutered before adoption or redemption from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

B. The Animal Services Center shall not release a dog to a person claiming ownership thereof, or to a person adopting such dog, unless such dog has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply:

- (1) If a licensed veterinarian certifies to Animal Services that he or she has examined such dog and found that because of a medical contraindication, the life of such dog would be endangered by sterilization; provided however, that such reason shall not be based solely on the age of such dog, if

such dog is at least eight weeks of age;

- (2) If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog has a breed ring show record from the American Kennel Club or United Kennel Club or other similar registry association, dated no more than twelve months prior to the date such dog entered the shelter, or such person claiming ownership is able to provide proof that such dog has successfully completed the requirements of the American Kennel Club or United Kennel Club or other similar registry association, for the title of Champion or its equivalent, at any time prior to the arrival of the dog at the shelter;
- (3) If such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such dog is a guide dog, hearing dog, service dog or police work dog; or
- (4) If such dog is owned by a person who is not a resident of the state who possesses the dog in the City temporarily for a period not to exceed 10 days.

Section 6. Chapter 31 of the Municipal Code and Section 8-15 of the Municipal Code, Payments via Internet, as amended, are hereby further amended by deleting the words "Animal Control Center" in each place where they are contained therein, and by inserting in their place the words "Animal Services Center".

Section 7. This ordinance shall take effect on February 1, 2007.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

Ordinance No. 2006-391
(Int. No. 450, As Amended)

Amending The Municipal Code With Respect To Cats

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 30-35 of the Municipal Code, Adoption of cats, is hereby amended to read in its entirety as follows:

§ 30-35. Adoption of cats.

The fees for adopting a cat from the Animal Services Center shall include the adoption, rabies vac-

cination, sterilization, and other fees as approved by the Chief of Police.

Section 2. Chapter 30 of the Municipal Code is hereby amended by adding thereto the following new Sections:

§ 30-42. Sterilization of cats required.

A. The City of Rochester is experiencing a significant overpopulation of unwanted cats. These are matters of serious concern affecting public health, safety, quality of life, and welfare of the public and of their pets. Animal Services, which operates the City's animal shelter within the Rochester Police Department, estimates that over 5,500 unwanted, stray, or abandoned dogs and cats entered its facility during the 2005-2006 fiscal year. Of these, approximately 90% were not spayed and neutered. While wandering the City's streets, non-sterilized cats reproduce at alarming rates, exacerbating a potentially unhealthy and dangerous situation. As a result of the exponential rate of increase, increasing numbers of individuals and animals are at risk for rabies and many animals become victims of vehicular accidents. These animals also suffer from lack of appropriate food and water, ingestion of poisons, exposure to inclement weather, and infestation with parasites. Furthermore, it is well documented that sterilization helps to improve health and longevity and to reduce roaming tendencies and undesirable behaviors, all of which impact cat intakes at shelters. Given the large and growing number of unwanted cats and the benefits of sterilization that address the challenges of cat control, Animal Services finds that a law providing for the spaying and neutering of cats adopted or redeemed from the City's shelter is necessary to protect the health, safety, and quality of life of Rochester residents and the welfare of the City's pet community. Animal Services also finds that with the advancement of medical knowledge over the past 15 years, many veterinarians now advocate and practice early sterilization of pets, as early as eight weeks of age. Veterinarians at animal hospitals and humane shelters across the country, as well as the American Society for the [Protection] Prevention of Cruelty to Animals, have performed thousands of early spay-neuter surgeries. Many veterinary associations now also agree that even though any surgery has inherent risks, kittens heal faster and are lower surgical risks than older animals who may be ill, in heat, or pregnant. If cats are spayed or neutered before adoption or redemption from the shelter, then the chance that they will add more unwanted offspring to the numbers that already exist will be eliminated.

B. The Animal Services Center shall not release a cat to a person claiming ownership thereof, or to a person adopting such cat, unless such cat has been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply:

- (1) If a licensed veterinarian certifies to Animal Services that he or she has examined such cat and found that because of a medical contraindication, the life of such cat would be endangered by sterilization; provided however, that such reason shall not

be based solely on the age of such cat, if such cat is at least eight weeks of age;

- (2) If such cat within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the Director of Animal Services or his or her designee that such cat has a breed show record from the Cat Fancier Association or other similar registry association, dated no more than twelve months prior to the date such cat entered such shelter, or such person claiming ownership is able to provide proof that such cat has successfully completed the requirements of the Cat Fancier Association or other similar registry association for the title of Champion, Grand Champion, or its equivalent, at any time prior to the arrival of the cat at the shelter; or
- (3) If such cat is owned by a person who is not a resident of the state who possesses the cat in the City temporarily for a period not to exceed 10 days.

§30-43. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

FERAL CAT - Any free-roaming domestic cat which is not owned, lives in the wild and is not socialized with humans.

OWNER - Any person owning, harboring or keeping, or providing care or sustenance for a pet, whether registered or not, or having custody of a pet, whether temporarily or permanently. Pets owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of household where the minor resides.

PET - Any cat, other than a feral cat, or other domesticated animal, including a domesticated wild animal, which is normally maintained in or near the household of the owner, and which is legally owned, permitted, harbored, kept, or otherwise cared for.

STERILIZATION - Rendering a cat that is at least eight weeks of age unable to reproduce by surgically altering the cat's reproductive organs. Such definition shall include the spaying of a female cat and the neutering of a male cat.

Section 3. Chapter 30 of the Municipal Code is hereby further amended by deleting the words "Animal Control Center" in each place where they are contained therein, and by inserting in their place the words "Animal Services Center".

Section 4. This ordinance shall take effect on February 1, 2007.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago,

Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

By Councilmember Pritchard
December 19, 2006

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 435 - Designating Parcels To Be Known As The Midtown Plaza Urban Renewal District

Int. No. 436 - Approving The Lease By The Rochester Urban Renewal Agency To Thyroff & Thyroff, LLC Of The Manhattan Square Tennis Bubble & Facility

Int. No. 437 - Authorizing An Agreement For Continued Operation Of The South Avenue Garage

Int. No. 438 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 439 - Amending The 2006-07 Budget Relating To Sponsorship Of The 2007 Upstate New York Minority Purchasing Council's Minority Business Enterprise Conference

Int. No. 443 - Approving The Lease By The Rochester Urban Renewal Agency To The Strong National Museum Of Play Of Municipal Lot No. 3

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Lois J. Giess
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-392
Re: Urban Renewal District Designation -
Midtown Plaza Revitalization Area

Transmitted for your approval is legislation approving the Midtown Plaza Revitalization Area as eligible for designation as an urban renewal district.

This area is generally bounded by Main Street and Euclid Street on the north, Chestnut Street on the east, Broad Street on the south and Clinton Avenue on the west. A boundary map is attached.

The designation will facilitate the redevelopment of the Midtown Plaza Revitalization Area. A condition analysis report of the area, prepared by CMA Architecture, P.C. in November 2006, is available for review in the Office of the City Clerk.

The approximately eleven-acre district would comprise 16 separate parcels with these existing uses: a commercial and residential apartment mixed-use property; two commercial mixed-use properties; seven commercial properties; four vacant commercial prop-

erties; a parking lot; and a hotel. The district would be subdivided into various development parcels.

Many of the structures in the proposed district are over 45 years old and in poor condition - 25% of the structures are vacant. There is also one vacant lot that is currently being used for parking. And, many of the remaining parcels have high vacancy rates and are under-utilized. These conditions constitute sufficient evidence to define the area as "blighted", satisfying requirements for its designation as an urban renewal district.

If council approves eligibility, a formal plan for the district will be developed. Subsequent approval of this plan by the Planning Commission and the Council is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-129

Ordinance No. 2006-392
(Int. No. 435)

Designating Parcels To Be Known As The Midtown Plaza Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby finds and declares that the area in the City of Rochester hereinafter described, encompassing Midtown Plaza and generally bounded by Main Street and Euclid Street on the north, Chestnut Street on the east, Broad Street on the south, and Clinton Avenue on the west, is substandard and unsanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Midtown Plaza Urban Renewal District. Said area shall encompass SBL #121.240-0001-008.001, 121.240-0001-024.001, 121.240-0001-028.000 and 121.240-0001-029.001.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-393
Re: Lease Agreement - Thyroff & Thyroff,
LLC - Manhattan Square Tennis Bubble

Transmitted herewith for your approval is legislation authorizing a new lease with Thyroff & Thyroff, LLC, for the use, maintenance and operation of the Man-

hattan Square Tennis Bubble and Facility located at 47 Savannah Street in the Southeast Loop Urban Renewal District.

The current lease with Thyroff & Thyroff, which includes options for two one-year renewals, expires on July 31, 2007. The tennis club, with 357 current paid members, is in need of a new bubble. Operators Scott Thyroff and Joseph Thyroff are willing to invest the \$140,000 required to purchase this new equipment if they are assured of a continuing lease. The proposed new lease term will be for a period of five years commencing on August 1, 2007 and expiring on July 31, 2012 with an option for a three-year renewal.

The lease will obligate the operators to continue to allow and promote the free use of the courts by city youth at various times throughout the school year and summer months, through the Love-15 program designed and administered by the Department of Recreation and Youth Services.

The rental payment will be 5% of gross court rental revenues up to \$130,000 and 7% of gross court rental revenues in excess of \$130,000. Rental payments are paid to the City on a quarterly basis. Total rent paid between November 2005 and October 2006 was \$4,766. The operators have the right to adjust the court rental fees periodically based on the competitive market rate for local tennis club operations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-393
(Int. No. 436)

Approving The Lease By The Rochester Urban Renewal Agency To Thyroff & Thyroff, LLC Of The Manhattan Square Tennis Bubble & Facility

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Thyroff & Thyroff, LLC (hereinafter called "Lessee"), for the lease of the Manhattan Square Tennis Bubble & Facility, located at 47 Savannah Street in the Southeast Loop Urban Renewal District, for the operation of the Manhattan Square Tennis Bubble & Facility for a term of five years commencing August 1, 2007, with one three-year option for renewal; and

WHEREAS, an annual rental price of 5% of the gross revenues from tennis court rental of \$130,000 or less and 7% of gross revenues greater than \$130,000 has been established by the Secretary of the Agency and the Lessee shall agree to the free use of the courts by City youth at various times under programs designed and supervised by the City Department of Recreation and Youth Services; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on December 19, 2006 to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Lessee in accordance with its rules, criteria and procedures for the selection and designation of a Lessee as a qualified and eligible sponsor;
2. That the use of said parcel by the Lessee and the terms of the lease for said parcel are satis-

factory;

3. That lease of said land by negotiation is the appropriate method of making the land available;
4. That the Lessee possesses the qualifications and financial resources necessary to lease the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Lessee's Statement for Public Disclosure is satisfactory;
5. That the proposed rental price is a satisfactory price and not less than the fair value of the parcel for use in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the lease of said parcel is satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council approves the designation of the Lessee by the Agency as a qualified and eligible sponsor to lease the parcel.

Section 2. The Council hereby approves the method and lease of said parcel by the Agency to said Lessee.

Section 3. The Council hereby authorizes the lease of said parcel by the Agency for the proposed rent in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-394
Re: Rochester Convention Center
Management Corporation -
Interim Operating Funds

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Convention Center Management Corporation (RCCMC), and appropriating \$450,000 from the City's Insurance Reserve Fund, to provide interim operating funds to RCCMC.

These funds will be available to RCCMC on a draw-down basis to meet cash flow needs for losses resulting from disruption of operations at the South Avenue Garage. In March 2006, Council authorized an agreement with RCCMC for operation of the Garage; in April 2006, portions of the helical ramp at the south end of the Garage collapsed. The Garage was completely closed until August 31, 2006. Upon reopening, only 1000 of 1850 spaces were available. RCCMC estimates a total loss of approximately \$450,000 through June 2007 in the operation of the Garage.

In August 2006, RCCMC hired National Fire Adjust-

ment Co., Inc., to represent them in recovering insurance proceeds for the collapse of the garage ramp. The City will be reimbursed from the proceeds of the insurance claim for any funds drawn from the \$450,000 amount by RCCMC.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2006-394
(Int. No. 437)

Authorizing An Agreement For Continued Operation Of The South Avenue Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Convention Center Management Corporation for funding to meet cash flow needs for the continued operation of the South Avenue Garage, which needs arise due to the disruption of operations caused by the collapse of the helix and ongoing repairs to the garage. In the event that the Rochester Convention Center Management Corporation receives insurance proceeds relating to the collapse, such proceeds shall be used to repay the City the funds provided under this agreement.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$450,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-395
Re: Agreement - Up All Night, Party
in the Park Concert Series

Transmitted herewith for your approval is legislation authorizing \$65,000 as maximum compensation for an agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for booking national and regional artists for the 2007 "Party in the Park" concert series. The cost of this agreement will be financed from the Rochester Events Network trust fund (\$45,000) and the 2007-08 Budget of the Department of Recreation and Youth Services (\$20,000).

The concert series will be presented on ten consecutive Thursday evenings at the High Falls Festival Site beginning on June 7 and ending on August 9. For each of these concerts, Up All Night will provide artists for all opening and national headline acts. It will also provide a production manager and hospitality for the artists.

The concerts in last year's series (authorized by Council in January 2006) attracted approximately 3500 people per week, which is consistent with 2005 attendance. As in the last seven years, this agreement

includes a revenue-sharing component providing the City with at least 25% of net food and beverage sales during the concerts. In 2006, a total of \$12,981 in revenue was received by the City.

Up All Night produces more than 250 events each year. Because it is able to offer multiple events to performers, it typically is able to negotiate lower fees than the City usually obtained. We calculate that this leverage in booking will save the City over \$20,000 in talent fees.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-130

Ordinance No. 2006-395
(Int. No. 438)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$45,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$20,000 shall be funded from the 2007-08 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-396
Re: Minority Business Enterprise Conference

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$5,000 from Contingency to the Budget of the Department of Economic Development to partially fund the 2007 Upstate New York Minority Purchasing Council's Minority Business Enterprise (MBE) Conference.

The purpose of the conference is to support the economic development of minority businesses throughout Upstate New York and to facilitate MBEs doing more business with each other.

The conference will be held in Rochester in March 2007. Increasing participation by MBE firms is a high priority aligned with City's economic development goals. It is expected that 200-300 people will participate. The \$5,000 qualifies the City as a Platinum sponsor, with the following benefits:

- 10 tickets to all workshops

- Recognition on all event materials
- Recognition in all publicity
- On-line sponsorship recognition
- Full-page ad in program booklet

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2006-396
(Int. No. 439)

Amending The 2006-07 Budget Relating To Sponsorship Of The 2007 Upstate New York Minority Purchasing Council's Minority Business Enterprise Conference

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,000 from the Contingency Allocation to the Department of Economic Development to fund sponsorship of the 2007 Upstate New York Minority Purchasing Council's Minority Business Enterprise Conference.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2006-397
Re: Lease Agreement - Strong National
Museum of Play - Municipal Lot No. 3

Transmitted herewith for your approval is legislation authorizing an agreement with Strong National Museum of Play for the lease of Municipal Lot No. 3 located at 15 Manhattan Square in the Southeast Loop Urban Renewal District.

Strong National Museum of Play's recent \$37 million expansion has increased attendance and thus increased the need for additional parking for patrons and staff. The 40 parking spaces on Municipal Lot No. 3 would provide off-site staff parking, thereby freeing 40 on-site spots for patrons.

The current lease with Fairway Parking, at \$500 per month, expires on December 31, 2006. Under this new agreement, the lot will be leased to the museum for \$1,000 per year, with a term of three years plus the option of two one-year renewals. This agreement provides City support for a vital downtown destination that attracts a large number of visitors.

Strong National Museum of Play will be responsible for maintenance of the lot, which is estimated at \$10,000 annually (\$7,000 for snowplowing and salting the lot and sidewalks, \$2,500 for security/attendance and \$500 for signage).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AF-131

Ordinance No. 2006-397
(Int. No. 443)

Approving The Lease By The Rochester Urban Renewal Agency To The Strong National Museum Of Play Of Municipal Lot No. 3

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has agreed to lease Municipal Lot No. 3, 15 Manhattan Square, in the Southeast Loop Urban Renewal District to the Strong National Museum of Play (hereinafter called "Lessee"), for parking for a term of three years, with two one-year options for renewal; and

WHEREAS, an annual rental price of \$1,000 has been established by the Secretary of the Agency and the Lessee shall agree to be responsible for all maintenance of the lot; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on December 19, 2006 to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Lessee in accordance with its rules, criteria and procedures for the selection and designation of a Lessee as a qualified and eligible sponsor;
2. That the use of said parcel by the Lessee and the terms of the lease for said parcel are satisfactory;
3. That lease of said land by negotiation is the appropriate method of making the land available;
4. That the Lessee possesses the qualifications and financial resources necessary to lease the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Lessee's Statement for Public Disclosure is satisfactory;
5. That the proposed rental price is a satisfactory price for use of the parcel in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the lease of said parcel is satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council approves the designation of the Lessee by the Agency as a qualified and eligible sponsor to lease the parcel.

Section 2. The Council hereby approves the method and lease of said parcel by the Agency to said Lessee.

Section 3. The Council hereby authorizes the lease of said parcel by the Agency for the proposed rent in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:30 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2006**

Held April 11, 2006

Int. No. 96 - Amending The Municipal Code With Respect To Professional Licensing Fees - Finance & Public Services Committee

Held July 18, 2006

Int. No. 260 - Amending Ordinance No. 2003-347, Relating To Apprenticeship Programs For Certain Public Works Contracts, As Amended - Jobs, Economic Development & Center City Committee

Held December 19, 2006

Int. No. 419 - Authorizing The Sale Of Real Estate For The Mildred Johnson Estates Affordable Housing Project - Housing & Community Development Committee

Int. No. 420 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates Affordable Housing Project - Housing & Community Development Committee

Int. No. 421 - Approving A Loan Agreement For The Mildred Johnson Estates Affordable Housing Project - Housing & Community Development Committee

Int. No. 427 - Resolution Approving Procurement Process Contacts Policy - Finance & Public Services Committee

Int. No. 446 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$54,000 Bonds Of Said City To Finance The Additional Cost Of Preparation Of A Master Plan For Development At The Port Of Rochester - Parks, Public Works & The Environment Committee

INDEX 2006 ABBREVIATIONS

| | |
|---|---|
| Acq. - Acquire, Acquisition | Indus. - Industrial |
| Adpt. - Adopt | Int. - Introductory, Introduced |
| Agree. - Agreement | L.I.O. - Local Improvement Ordinance |
| Amend. - Amending, Amendment | L.L. - Local Law |
| Appl. - Application | Lftd. - Lifted |
| Approp. - Appropriate, Appropriating | Litig. - Litigation |
| Appt(s). - Appoint, Appointment(s) | Max. - Maximum |
| Assist. - Assistance | Mgr. - Manager |
| Auth. - Authorize, Authority | Mun. - Municipal |
| Bldg. - Building | NET - Neighborhood Empowerment Team |
| Cert. - Certified | Ofc. - Office |
| CHDO - Community Housing Development Organi- zation | Off. - Official |
| Class. - Classification | Ord. - Ordinance |
| Comm. - Commission, Committee, Community, Commercial | Pav. - Pavement |
| Comm. - Communication | Pk. - Park |
| Comp. - Compensation | Proj. - Project |
| Conserv. - Conservation | Pssd. - Passed |
| Constr. - Construction | Pub. - Public |
| Ctr. - Center | Purch. - Purchase |
| Decr. - Decrease | R2010 - <i>Rochester 2010: The Renaissance Plan</i> |
| Dedica. - Dedicate | R.E. - Real Estate |
| Demon. - Demonstration | R.O.W. - Right-of-Way |
| Designa. - Designate | Rec. - Recreation |
| Dev. - Development | Rej. - Reject |
| Erron. - Erroneous | Renew. - Renewal |
| Est(s). - Estimate(s) | Resi. - Residential |
| Ext. - Extension | Reso. - Resolution |
| Facil. - Facilities | Rev. - Revenue |
| FY - Fiscal Year | Roch. - Rochester |
| Gar. - Garage | Svs. - Services |
| H.R. - Home Rule | Tbld. - Tabled |
| Hear. - Hearing | Tr. - Transmittal |
| Incr. - Increase | Var. - Various |
| | Wid. - Width |
| | Zon. - Zoning |

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Auth. agree. relating to Roch. After School Academy Program and amend. 2005-06 Budget, Tr. letter, 156, Pssd., 157

Amend. 2005-06 Budget of the City in regard to Court Watch and approp. funds - \$10,000, Tr. letter, 163, Pssd., 163

Auth. agree. relating to Lifespan Training and amend. 2005-06 Budget, Tr. letter, 175, Pssd., 175

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Amend. Proposed 2006-07 Budget of the City in regard to Fire Dept. recruitment - \$5,000, Tr. letter, 166, Pssd., 167

Amend. Proposed 2006-07 Budget of the City in regard to Leadership Roch. Urban Fellows Program - \$10,000, Tr. letter, 167, Pssd., 167

Amend. Proposed 2006-07 Budget in regard to positive lifestyle television promotion - \$8,000, Tr. letter, 167, Pssd., 168

Amend. Proposed 2006-07 Budget of the City in regard to Police language training - \$15,000, Tr. letter, 168, Pssd., 168

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Approving library grants and amend. 2006-07 Budget, Tr. letter, 185, Pssd., 185

Amend. 2006-07 Budget with respect to Neighborhood Empowerment Team, Tr. letter, 190, Pssd., 191

Establishing max. comp. for professional svcs. agree. for Housing Market Analysis and amend. 2006-07 Budget, Tr. letter, 192, Pssd., 193

Amend. 2006-07 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 208, Pssd., 209; Tr. letter, 335, Pssd., 336

Auth. agree. for Youth Violence Strike Force and amend. 2006-07 Budget, Tr. letter, 209, Pssd., 210

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2006-07 Budget, Tr. letter, 216, Pssd., 216

Auth. agree. for Alternative Fuels Study and amend. 2006-07 Budget, Tr. letter, 233, Pssd., 233

Establishing max. comp. for amend. professional svcs. agree. for audit svcs. and amend. 2006-07 Budget, Tr. letter, 236, Pssd., 237

Establishing max. comp. for professional svcs. agree. for Mayor's Summit on Literacy and amend. 2006-07 Budget, Tr. letter, 259, Pssd., 259

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sional svcs. agree. for special audit svcs. and amend. 2006-07 Budget, Tr. letter, 261, Pssd., 262

Auth. agree. with respect to Project IMPACT III and amend. 2006-07 Budget, Tr. letter, 264, Pssd., 265

Auth. grant agree. for police horse and amend. 2006-07 Budget, Tr. letter, 266, Pssd., 266

Amend. 2006-07 Budget for Drum Corps Assoc. World Championships, Tr. letter, 268, Pssd., 269

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Auth. agree with respect to Project IMPACT III and amend. 2006-07 Budget and Ord. No. 2006-306, Tr. letter, 290, Pssd., 291

Auth. agree. for Durant Eastman Beach Master Plan and amend. 2006-07 Budget, Tr. letter, 302, Pssd., 302

Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

Auth. agree. for Proj. Safe Neighborhoods Program grant and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 308

Auth. agree. for reimbursement of police overtime costs and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 308

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Auth. application and agree. for Olmsted Parks System Interpretive Signage Proj. and amend. 2006-07 Budget, Tr. letter, 324, Pssd., 325

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BUSINESS PERMITS

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Amend. 2006-07 Budget of the City in regard to security cameras - \$5,000, Tr. letter, 165, Pssd., 165
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CAMERON COMMUNITY CENTER

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 28, Pssd., 29

CAMERON COMMUNITY MINISTRIES

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

CAMP GOOD DAYS & SPECIAL TIMES, INC.

Auth. application and agree. for Friends & Families of Murdered Children Proj., repealing Ord. No. 2005-255 and amend. 2005-06 Budget, Tr. letter, 117, Pssd., 118
Amend. Ord. No. 2006-127, relating to Friends & Families of Murdered Children Proj., Tr. letter, 289, Pssd., 290

CAMPBELL STREET RECREATION CENTER

Auth. agree. for recreational svcs., Tr. letter, 259, Pssd., 260

CAPITAL PROJECT MULTI-MODAL PROGRAM

Auth. application and agree. for Capital Proj. Multi-Modal Program grant for W. Main St. Streetscape Proj. and approp. funds, Tr. letter, 302, Pssd., 303

CARBALLADA, CARLOS

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Approving increase in pav. width of Carter St. at entrance to Roch. General Hosp., Tr. letter, 254, Pub. hear., 244, Pssd., 255

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L.I.O. - Establishing and operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 70, Pub. hear., 63, Pssd., 71

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CATHOLIC CHARITIES, INC.

Auth. agree. for Housing Opportunities For Persons With AIDS Program, auth. amend. program plans and amend. Ordinances to transfer funds, Tr. letter, 42, Pub. hear., 36, Pssd., 43

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. agree. relating to Roch After School Academy II Program, Tr. letter, 115, Pssd., 116

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CEMETERIES

Auth. application and agree. for Mt. Hope Gatehouse Roof Repair Proj., Tr. letter, 99, Pssd., 99

Auth. application and agree. for Mt. Hope Cemetery Grant, Tr. letter., 326, Pssd., 327

CENTER FOR CHANGE, THE

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

Auth. agree. for human svcs. proj., Tr. letter, 238, Pssd., 238

CENTER FOR DISPUTE SETTLEMENT

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 114, Pssd., 114

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 175, Pssd., 176

CENTER FOR ENVIRONMENTAL INFORMATION

Auth. agree. for Durant Eastman Beach Master

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CENTER FOR GOVERNMENTAL RESEARCH

Establishing max. comp. for professional svs. agree. for proj. impact evaluations for Community Dev. Program, Tr. letter, 224, Pssd., 225

CENTER FOR YOUTH SERVICES

Amend. 2004-05 Community Dev. Program by transferring funds for Proj. Safe Place and Job Creation/Youth Dev. and amend. Ord. No. 2004-245, Tr. letter, 77, Pssd., 78

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 114, Pssd., 114

CENTRAL PARK

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CENTRAL PARKING CORPORATION

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 267, Pssd., 267

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Auth. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Funding Initiative Program, Tr. letter, 92, Pssd., 93

Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds, amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd., 199

Auth. agree. for Sector Targeted Initiative Programs and amend. Ord. No. 2005-342, Tr. letter, 318, Pssd., 318

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Establishing max. comp. for professional svs. agree. for improvements to City Hall, Tr. letter, 143, Pssd., 143

Bond ord. auth. issuance of \$800,000 bonds to finance cost of planning and implementing repairs to City Hall "A" Bldg., Tr. letter, 143, Pssd., 144

Establishing max. comp. for professional svs. agree. for repairs to City Hall elevators, Tr. letter, 277, Pssd., 278

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Approving acq. of 214, 220, and 226 University Ave., for Roch. City School District, Tr. letter, 51, Pssd., 51

Bond ord. auth. issuance of \$2,027,400 bonds to finance initial cost of planning and implementing design of and constr. of renovations to Audubon School No. 33 as part of Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Add. and Renovations Proj., Tr. letter, 59, Pssd., 60

Auth. agree. with Roch. City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj. and auth. exception to City School District debt limit, Tr. letter, 59, Pssd., 61

Auth. agree. relating to Roch. After School

Academy I Program, Tr. letter, 114, Pssd., 114
Auth. agree. relating to Roch After School Academy II Program, Tr. letter, 115, Pssd., 116

Amend. change in pav. width of Atlantic Ave. west of Culver Rd. as approved in Ord. No. 2005-11 and a decrease in pav. width of Culver Rd. south of Atlantic Ave., auth. agree. and approp. funds, Tr. letter, 147, Pub. hear., 124, Pssd., 148

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Establishing max. comp. for amend. professional svcs. agree. for actuary svcs., Tr. letter, 158, Pssd., 158

Auth. agree. for Adolescent Parenthood Proj., Tr. letter, 160, Pssd., 160

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Auth. agree. for 2006 Summer of Opportunity Program, Tr. letter, 206, Pub. hear., 183, Pssd., 206

Approving acq. of parcels for Roch. City School District, Tr. letter, 222, Pssd., 222

Auth. agree. for human svcs. proj., Tr. letter, 238, Pssd., 238

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Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 260, Pssd., 261

Reso. auth. exception to City School District debt limit for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Adpt., 299

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Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds, amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd., 199

COLFAX STREET

Amend. Ord. No. 2005-388 auth. sale of portion of 110-120 Colfax St., Tr. letter, 210, Pssd., 211

COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC.

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COMMUNITY DEVELOPMENT, COMMISSIONER OF

Reso. confirming appt. of Commissioner of Community Dev., Tr. letter, 17, Adpt., 18

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Auth. amend. 2005-06 Community Dev. Program Plan and agreements to extend float loans and funding for Roch. Housing Dev. Fund Corp., Tr. letter, 23, Pub. hear., 18, Pssd., 24

Auth. amend. 2005-06 Community Dev. Program Plan and agree. to establish float loan and funding for Roch Housing Dev. Fund Corp., Tr. letter, 43, Pub. hear., 36, Pssd., 44

Auth. amen. 2005-06 Community Dev. Program Plan and agree. for the Group 14621 Community Technology Center, Tr. letter, 54, Pub. hear., 37, Pssd., 55

Amend. 2004-05 Community Dev. Program by transferring funds for Proj. Safe Place and Job Creation/Youth Dev. and amend. Ord. No. 2004-245, Tr. letter, 77, Pssd., 78

Approving Consolidated Community Dev. Plan/2006-07 Annual Action Plan, Tr. letter, 94, Pub. hear., 84, Pssd., 97

Auth. submission of Consolidated Community Dev. Plan/2006-07 Annual Action Plan and execution of grant agree. with United States Dept. of Housing and Urban Dev., Tr. letter, 94, Pssd., 97

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Amend. 2003-04 Consolidated Community Dev. Plan by transferring funds for Glendale Park Group Curb Replacement Proj. and amend. Ord. No. 2004-108, Tr. letter, 201, Pub. hear., 183, Pssd., 202

Amend. 2006-07 Consolidated Community Dev. Plan by transferring funds and auth. agree. for Rochester Area Task Force on Aids, Tr. letter, 205, Held, 206; Tr. letter, 239, Pub. hear., 215, Pssd., 239

Establishing max. comp. for professional svcs. agree. for proj. impact evaluations for Community Dev. Program, Tr. letter, 224, Pssd., 225

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Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

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Auth. amend. agree. for svcs. for Friends & Families of Murdered Children proj. and rescinding Ord. No. 2005-225, Tr. letter, 33, Returned to committee, 33

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. agree. relating to Roch After School Academy II Program, Tr. letter, 115, Pssd., 116

Auth. application and agree. for Friends & Families of Murdered Children Proj., repealing Ord. No. 2005-255 and amend. 2005-06 Budget, Tr. letter, 117, Pssd., 118

Auth. license agree. for use of City property, Tr. letter, 157, Pssd., 158

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Amend. Proposed 2006-07 Budget of the City in regard to toys for public library - \$2,000, Tr. letter, 166, Pssd., 166

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CORNELES ENGINEERING, P.C.

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Amend. Mun. Code in order to make it gender neutral, Tr. letter, 27, Pssd., 28

GENESEE RIVER

Auth. agree. for operation of public waterfront facilities, Tr. letter, 10, Pssd., 11

Amend. Ord. No. 2006-7 relating to operation of public waterfront facilities, Tr. letter, 86, Pssd., 87

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Auth. acceptance of easements for Middle Falls Crossing Proj. of Genesee Riverway Trail, Tr. letter, 231, Pssd., 231

GENESEE TRANSPORTATION COUNCIL

Auth. agree. for Alternative Fuels Study and amend. 2006-07 Budget, Tr. letter, 233, Pssd., 233

GENESEE VALLEY BOARD OF COOPERATIVE EDUCATIONAL SERVICES

Auth. agree. relating to Roch. After School Academy Program and amend. 2005-06 Budget, Tr. letter, 156, Pssd., 157

GENESEE VALLEY PARK

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Establishing max. comp. for professional svcs. agree. for Genesee Valley Park pool mechanical system replacement, Tr. letter, 323, Pssd., 324

GET THE LEAD OUT PROGRAM

Auth. agree. for Get The Lead Out Program, Tr. letter, 188, Pssd., 189

GIBBS MARINE GROUP, INC.

Auth. agree. for operation of public waterfront facilities, Tr. letter, 10, Pssd., 11

Amend. Ord. No. 2006-7 relating to operation of public waterfront facilities, Tr. letter, 86, Pssd., 87

GIESS, LOIS J., COUNCIL PRESIDENT

Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

Reso. approving appointment by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 11, Pssd., 12

Reso. appointing additional marriage officer, Tr. letter, 15, Adpt., 15

Local Law amend. City Charter in order to make it gender neutral, Tr. letter, 27, Pssd., 28

Amend. Mun. Code in order to make it gender neutral, Tr. letter, 27, Pssd., 28

Reso. approving appts. to Board of Ethics, Tr. letter, 113, Adpt., 114

Amend. 2006-07 Budget of the City in regard to maintenance of Photo Archives - \$5,500, Tr. letter, 163, Pssd., 163

Amend. Proposed 2006-07 Budget of the City in regard to summer camp - \$10,000, Tr. letter, 165, Pssd., 166

Amend. Proposed 2006-07 Budget of the City in regard to toys for public library - \$2,000, Tr. letter, 166, Pssd., 166

Amend. Proposed 2006-07 Budget in regard to Susan B. Anthony Neighborhood design charette - \$2,500, Tr. letter, 168, Pssd., 169

Establishing max. comp. for amend. professional svcs. agree. for audit svcs. and amend. 2006-07 Budget, Tr. letter, 236, Pssd., 237

Amend. Mun. Code with respect to licenses, Tr. letter, 256, Pssd., 258

Establishing max. comp. for amend. profes-

sional svcs. agree. for special audit svcs. and amend. 2006-07 Budget, Tr. letter, 261, Pssd., 262

Reso. establishing schedule for regular Council meetings during 2007, Tr. letter, 285, Adpt., 286

Amend. Mun. Code with respect to elections, Tr. letter, 286, Pssd., 286

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Reso. auth. exception to City School District debt limit for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Adpt., 299

Local Law reallocating 2006-07 debt-incurring power between City and City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Pssd., 299

Amend. Mun. Code with respect to payments via Internet, Tr. letter, 305, Pssd., 305

Amend. Mun. Code with respect to vending in Center City and Harbortown areas, Tr. letter, 305, Pssd., 306

Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 330, Adpt., 330

GLENDALE PARK

Approp. funds for Glendale Park Group Curb Replacement Proj., Tr. letter, 26, Pssd., 27

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

Amend. 2003-04 Consolidated Community Dev. Plan by transferring funds for Glendale Park Group Curb Replacement Proj. and amend. Ord. No. 2004-108, Tr. letter, 201, Pub. hear., 183, Pssd., 202

GLIDE STREET

Approving changes in pavement width of Glide St. between Emerson St. and Lyell Ave., Tr. letter, 202, Pub. hear., 183, Pssd., 203

Auth. agree. for Sector Targeted Initiative Programs and amend. Ord. No. 2005-342, Tr. letter, 318, Pssd., 318

GOVERNOR'S TRAFFIC SAFETY COMMITTEE

Auth. applications and agree. with respect to traffic enforcement programs and amend. 2005-06 Budget, Tr. letter, 33, Pssd., 34

GRACE URBAN MINISTRIES

Auth. agree. for Human Svcs. Programs, Tr. letter, 204, Pssd., 205

GRANTS

Auth. acceptance of grant and amend. 2005-06 Budget for Learn to Swim Program, Tr. letter, 30, Pssd., 30

Auth. grant agree. for police dog and amend. 2005-06 Budget, Tr. letter, 34, Pssd., 34

Auth. agree. for funding for 2006 Justice Assistance Grant Program, Tr. letter, 34, Pssd., 35

Acceptance of library grant and amend. 2005-06 Budget, Tr. letter, 64, Pssd., 64

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. submission of Consolidated Community Dev. Plan/2006-07 Annual Action Plan and execution of grant agree. with United States Dept. of Housing and Urban Dev., Tr. letter, 94, Pssd., 97

Auth. applications and agree. for Brownfield Opportunity Area Program grants, Tr. letter, 98, Pssd., 99

Auth. application and agree. for grant for Durand

Eastman Beach, Tr. letter, 108, Pssd., 109

Auth. application and agree. for Friends & Families of Murdered Children Proj., repealing Ord. No. 2005-255 and amend. 2005-06 Budget, Tr. letter, 117, Pssd., 118

Auth. applications and agree. and amend. 2005-06 Budget for fire prevention and safety, Tr. letter, 119, Pssd., 119

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Approving Business Programs, Tr. letter, 177, Pssd., 178

Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

Approving library grants and amend. 2006-07 Budget, Tr. letter, 185, Pssd., 185

Auth. grant agree. with NYS Crime Victims Board, Tr. letter, 216, Pssd., 216

Auth. grant funding from NYS Canal Corp. to implement Erie Canal Greenway Program, Tr. letter, 230, Pssd., 231

Auth. agree. and application for NY Empire State Dev. Corp. grant and approp. funds for reconstruction of South Ave. Parking Garage, Tr. letter, 243, Pssd., 243

Auth. acceptance of grant for CUSP funds, appropriating funds and auth. agree., Tr. letter, 247, Pssd., 247

Reso. renaming Sister Cities Bridge, Tr. letter, 247, Adpt., 248

Auth. application and agree. for grant under Restore NY Communities Initiative Program, Tr. letter, 248, Pssd., 249

Auth. grant agree. for police horse and amend. 2006-07 Budget, Tr. letter, 266, Pssd., 266

Approving mini grant program, Tr. letter, 274, Pssd., 275

Reso. in support of Erie Canal Greenway grant application, Tr. letter, 278, Adpt., 279

Auth. application and agree. for funding for boat marina at Port of Roch., Tr. letter, 279, Pssd., 280

Auth. grant agree. for Susan B. Anthony Apts. Proj., Tr. letter, 297, Pssd., 297

Auth. application and agree. for Capital Proj. Multi-Modal Program grant for W. Main St. Streetscape Proj. and approp. funds, Tr. letter, 302, Pssd., 303

Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

Auth. agree. for Proj. Safe Neighborhoods Program grant and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 308

Auth. agree. for Disproportionate Minority Contact Discretionary Program grant and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 309

Reso. endorsing grant application for Monroe Village Task Force, Tr. letter, 318, Adpt., 319

Reso. endorsing grant application for Bridging Neighborhoods Design Proj., Tr. letter, 319, Adpt., 319

Auth. application and agree. for Mt. Hope Cemetery Grant, Tr. letter, 326, Pssd., 327

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 334, Pssd., 334

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Amend. 2006-07 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 208, Pssd., 209; Tr. letter, 335, Pssd., 336

GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 130, Pssd., 130

Auth. extension of agree. for Asset Control Area Program, Tr. letter, 295, Pssd., 296

GREENWAYS

Auth. grant funding from NYS Canal Corp. to implement Erie Canal Greenway Program, Tr. letter, 230, Pssd., 231

Reso. in support of Erie Canal Greenway grant application, Tr. letter, 278, Adpt., 279

GREGORY STREET

Establishing max. comp. for amend. professional svcs. agree. for brownfield svcs. at 399 Gregory St., Tr. letter, 8, Pssd., 9

Auth. acq. by negotiation or condemnation of parcel for Gregory St. Public Improvement Proj., Tr. letter, 280, Pssd., 281

Dedication of additional parcel for Gregory St., Tr. letter, 280, Pub. hear., 270, Pssd., 281

Approving changes in pav. width of Gregory St. between Mt. Hope Ave. and S. Clinton Ave., Tr. letter, 280, Pub. hear., 270, Pssd., 282

GRETA PROGRAM

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 253, Pssd., 253

GRIPPO, ROBERT SCOTT

Reso. approving appts. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 309, Adpt., 310

GROUP 14621 COMMUNITY ASSOCIATION

Auth. amen. 2005-06 Community Dev. Program Plan and agree. for the Group 14621 Community Technology Center, Tr. letter, 54, Pub. hear., 37, Pssd., 55

Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds, amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd., 199

-H-**HF TECHNOLOGIES**

Local Law adding HF Technologies facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 82, Pssd., 82

HUD

See "United State Department of Housing and Urban Development"

HAMILTON STREET

Changing zoning class. of 90-98 Alexander St., 573-625 S. Clinton Ave. and 300 Hamilton St. from R-2 Medium Density Residential to R-2 Medium Density Residential/O-B Overlay Boutique, Tr. letter, 227, Pub. hear., 215, Pssd., 228

HANNA, JOSEPH

Reso. approving appts. to Zoning Board of Appeals, Tr. letter, 271, Adpt., 271

HARDY PROPERTIES, INC.

Approving changes in pavement width of W. Main St. at Canal St. and at Jefferson Ave., and of King St. at W. Main St., and accepting easement,

Tr. letter, 111, Pub. hear., 85, Pssd., 112

HARMAN FLOORING

Approving granting of easement at 15 Hebard St., Tr. letter, 48, Pssd., 48

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

HEBARD STREET

Approving granting of easement at 15 Hebard St., Tr. letter, 48, Pssd., 48

HENDERSON, RANDOLPH B.

2006-33 - Reso. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 269, Pssd., 269

HENDRICK, COLLEEN, DANCE THEATER

Auth. agree. for Human Svcs. Programs, Tr. letter, 288, Pssd., 289

HENNESSEY, ROSEANNE

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 40, Adpt., 40

HENRIETTA, TOWN OF

Auth. applications and agree. for funding under Shared Municipal Svcs. Program, Tr. letter, 278, Pssd., 278

HERRICK-SAYLOR ENGINEERS

Establishing max. comp. for professional svcs. agree. for repairs to Midtown Parking Garage, Tr. letter, 291, Pssd., 292

HIGH FALLS

L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 121, Pub. hear., 85, Pssd., 122

Establishing max. comp. for professional svcs. agree. for High Falls Laser Shows, Tr. letter, 179, Pssd., 180

Establishing max. comp. for professional svcs. agree. for High Falls and special projects oversight, Tr. letter, 212, Pssd., 212

HIGH FALLS PARKING GARAGE

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 242, Pssd., 243

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 267, Pssd., 267

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

HILL, CHRIS

Reso. approving appts. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 309, Adpt., 310

HILLSIDE AVENUE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

HILLSIDE CHILDREN'S CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Establishing max. comp. for professional svcs. agree. for curfew ctr. svcs. and amend. 2006-07 Budget, Tr. letter, 213, Held, 215, Pssd., 220

Auth. amend. professional svcs. agree. for Curfew Ctr., Tr. letter, 314, Pssd., 315

HINMAN STRAUB, PC

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 53, Pssd., 54

HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 261, Pssd., 261

HOLAHAN, PAUL

Reso. approving appointments. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5
Reso. confirming appt. of Commissioner of Environmental Svcs., Tr. letter, 17, Adpt., 18

HOLIDAY SHOPPER AND SPECIAL EVENTS FREE PARKING PROGRAM

Auth. a Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 310, Pssd., 311

HOLLENBECK STREET

Bond ord. auth. issuance of \$1,033,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 150

Bond ord. auth. issuance of \$200,000 bonds to finance construction of var. water mains in related to Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 151

Bond ord. auth. issuance of \$92,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 152

Establishing max. comp. for professional svcs. agree. for Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter 149, Pssd., 152

HOLLISTER STREET

Changing zoning class. of 385-443, 380-420, 347-355, 368-378, 481-487 and 474-482 Portland Ave., 1149 Clifford Ave., 92-98 Hollister St. and southerly part of 55 Miller St. from C-2 Community Ctr. and R-1 Low Density Residential to M-1 Industrial, Tr. letter, 24, Pub. hear., 18, Pssd., 26

HOME PERFORMANCE INC.

Establishing max. comp. for amend. professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 55, Pssd., 56

HOME ROCHESTER PROGRAM

Auth. agree. for Home Roch. Program, Tr. letter, 129, Pssd., 129

HOME ROOM PROGRAM

Auth. agree. for Home Room Program, Tr. letter, 186, Pssd., 187

HOMEBUYER ASSISTANCE PROGRAM

Approp. of funds - Homebuyer Assistance Program, Tr. letter, 64, Pssd., 64

Amend. 2001-02 through 2005-06 Consolidated Community Dev. Plans by transferring funds for Homebuyer Assistance Program, and amend. ordinances, auth. agree. and approp. funds, Tr. letter, 134, Pub. hear., 124, Pssd., 135

HOMEBUYER TRAINING SERVICES

Auth. agree. for homebuyer training svcs., Tr. letter, 133, Pssd., 134

HOOSE, BRIAN W.

Reso. approving appt. to Elevator Examining Board, Tr. letter, 271, Adpt., 271

HOTEL/MOTEL COURTESY VEHICLES

Amend. Mun. Code with respect to licenses, Tr. letter, 256, Pssd., 258

HOUSING

Auth. agree. for Housing Opportunities For Persons With AIDS Program, auth. amend. program plans and amend. Ordinances to transfer funds, Tr. letter, 42, Pub. hear., 36, Pssd., 43

Approp. of funds - Homebuyer Assistance Program, Tr. letter, 64, Pssd., 64

Approving property tax exemption and auth. in-lieu-of-tax agree. for St. Michael's II Apartments Proj. and auth. loan agree., Tr. letter, 65, Pssd., 65

Auth. amend. 2005-06 City Dev. Fund Plans and agree. for float loans for Loss Reserve Accounts for HUD Asset Control Area Partnership Program and amend. Ord. No. 2006-19 and 2005-344, Tr. letter, 66, Pub. hear., 63, Pssd., 67

Approp. funds for Community Choice/Fair Housing Electronic Resource Ctr., Tr. letter, 126, Pssd., 127

Auth. agree. with NeighborWorks Roch. for Revolving Loan Fund Program, Tr. letter, 127, Pssd., 127

Auth. agree. for Landlord and Tenant Services, Tr. letter, 127, Pssd., 128

Approp. funds and auth. agree. for CHDO housing dev. and operating assistance, Tr. letter, 128, Pssd., 129

Auth. agree. for Home Roch. Program, Tr. letter, 129, Pssd., 129

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 130, Pssd., 130

Auth. agree. for Asset Control Area Program, Tr. letter, 131, Pssd., 131

Auth. agree. with Enterprise Community Partners for housing svcs., Tr. letter, 131, Pssd., 132

Auth. agree. for housing dev. svcs., Tr. letter, 132, Pssd., 133

Auth. agree. for housing dev. support, Tr. letter, 133, Pssd., 133

Auth. agree. for homebuyer training svcs., Tr. letter, 133, Pssd., 134

Amend. 2001-02 through 2005-06 Consolidated Community Dev. Plans by transferring funds for Homebuyer Assistance Program, and amend. ordinances, auth. agree. and approp. funds, Tr. letter, 134, Pub. hear., 124, Pssd., 135

Amend. 2005-06 Consolidated Community Dev. Plan by transferring funds for St. Michael's II Apts. Proj. and amend. Ord. No. 2006-67, Tr. letter, 135, Pub. hear., 124, Pssd., 136

Amend. Mun. Code with respect to Certificates of Occupancy, Tr. letter, 136, Held, 139

Amend. 2006-07 Budget of the City in regard to Downtown City Living Program - \$5,000, Tr. letter, 168, Pssd., 168

Establishing max. comp. for professional svcs. agree. for Housing Market Analysis and amend. 2006-07 Budget, Tr. letter, 192, Pssd., 193

Auth. sale of real estate and agree. for housing with Ibero-American Dev. Corp., Tr. letter, 193, Pssd., 194

Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds,

amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd., 199

Auth. agree. for Lead-Safe Rental Housing Program, Tr. letter, 224, Pssd., 224

Approving Special Residential Rehab. Proj. Program and auth. agree., Tr. letter, 225, Pssd., 226

Auth. agree. for Fair Housing Lending Monitoring Svcs., Tr. letter, 294, Pssd., 295

Auth. extension of agree. for Asset Control Area Program, Tr. letter, 295, Pssd., 296

Auth. grant agree. for Susan B. Anthony Apts. Proj., Tr. letter, 297, Pssd., 297

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

Approving loan agree. for Wilson Commencement Park Rental Housing Proj., Tr. letter, 299, Pssd., 301

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

Auth. sale of real estate for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 322

Approving property tax exemption and auth. in-lieu-of-tax agreement for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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Amend. 2005-06 Budget by approp. forfeiture funds for Roch. Area Crimestoppers Program, Tr. letter, 20, Pssd., 20

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 126, Pssd., 126

Auth. agree. for Landlord and Tenant Services, Tr. letter, 127, Pssd., 128

Auth. agree. for predatory lending prevention svcs., Tr. letter, 275, Pssd., 275

HOUSING MARKET ANALYSIS

Establishing max. comp. for professional svcs. agree. for Housing Market Analysis and amend. 2006-07 Budget, Tr. letter, 192, Pssd., 193

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. agree. for Housing Opportunities For Persons With AIDS Program, auth. amend. program plans and amend. Ordinances to transfer funds, Tr. letter, 42, Pub. hear., 36, Pssd., 43

HOUSING OPPORTUNITIES HOUSING DEVELOPMENT FUND CORPORATION

Auth. grant agree. for Susan B. Anthony Apts. Proj., Tr. letter, 297, Pssd., 297

Auth. sale of real estate for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 322

Approving property tax exemption and auth. in-lieu-of-tax agreement for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held,

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HOUSING OPPORTUNITIES, INC.

Auth. agree. for housing dev. support, Tr. letter, 133, Pssd., 133

Auth. grant agree. for Susan B. Anthony Apts. Proj., Tr. letter, 297, Pssd., 297

HUMAN SERVICES PROGRAMS/PROJECTS

Auth. agree. for Human Svcs. Proj., Tr. letter, 29, Pssd., 30; Tr. letter, 113, Pssd., 113

Auth. agree. for Human Svcs. Programs, Tr. letter, 204, Pssd., 205; Tr. letter, 238, Pssd., 238; Tr. letter, 288, Pssd., 289; Tr. letter, 304, Pssd., 305

HUNTINGTON PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

HURRICANE KATRINA

Auth. agree. and amend. 2005-06 Budget with respect to Hurricane Katrina mutual aid, Tr. letter, 57, Pssd., 57

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ISLA

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

IBERO-AMERICAN DEVELOPMENT CORPORATION

Auth. sale of real estate and agree. for housing with Ibero-American Dev. Corp., Tr. letter, 193, Pssd., 194

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 261, Pssd., 261

IMAGEOUT

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 268, Pssd., 268

INDEPENDENT TITLE AGENCY, LLC

Establishing max. annual comp. for professional svcs. agree. for real estate title svcs., Tr. letter, 14, Pssd., 14

INDUSTRIAL REVOLVING LOAN FUND

Approving business programs, Tr. letter, 177, Pssd., 178

INSPECTION SERVICES

Establishing max. comp. for amend. professional svcs. agree. for Brooks Landing Revitalization Proj. and amend. Ord. No. 2003-267 relating to Corn Hill Landing Proj., Tr. letter, 22, Pssd., 23

Auth. agree. for elevator inspection svcs., Tr. letter, 189, Pssd., 190

Auth. agree. with County of Monroe for reimbursement for inspection svcs., Tr. letter, 270, Pssd., 270

Auth. agree. with Town of Gates for bldg. plan and inspection svcs., Tr. letter, 274, Pssd., 275

INSURANCE

Establishing max. comp. for professional svcs. agree. for admin. of City's Workers' Compensation Program, Tr. letter, 158, Pssd., 158

Auth. agree. for recovery of insurance proceeds for South Ave. Garage, Tr. letter, 258, Pssd., 259

INTERFACE STUDIO LLC

Establishing max. comp. for professional svcs. agree. for Housing Market Analysis and amend. 2006-07 Budget, Tr. letter, 192, Pssd., 193

INTERNET

Amend. Mun. Code with respect to payments via Internet, Tr. letter, 52, Pssd., 52; Tr. letter, 239, Pssd., 240; Tr. letter, 305, Pssd., 305

INVESTIGATIVE ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for investigative svcs., Tr. letter, 287, Pssd., 287

INVESTIGATIVE SERVICES

Establishing max. comp. for amend. professional svcs. agree. for investigative svcs., Tr. letter, 287, Pssd., 287

INVOFAB INDUSTRIES, INC.

Amend. Ord. No. 2005-388 auth. sale of portion of 110-120 Colfax St., Tr. letter, 210, Pssd., 211

IRONDEQUOIT, TOWN OF

Auth. applications and agree. for funding under Shared Municipal Svcs. Program, Tr. letter, 278, Pssd., 278

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J. MARTIN SOLUTIONS, INC.

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 209, Pssd., 209

JAECKLE FLEISCHMANN & MUGEL, LLP

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2006-07 Budget, Tr. letter, 216, Pssd., 216

JEFFERSON AVENUE

Bond ord. auth. issuance of \$110,000 bonds to finance reconstruction of var. water mains related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 47

Bond ord. auth. issuance of \$100,000 bonds to finance cost of constr. and reconstruction of certain sewers improvements related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Auth. acq. of 33 Jefferson Ave., Tr. letter, 274, Pssd., 274

JENSEN, CRAIG

Reso. approving reappointment to Roch Preservation Board, Tr. letter, 40, Adpt., 40

JOB CREATION/YOUTH DEVELOPMENT

Amend. 2004-05 Community Dev. Program by transferring funds for Proj. Safe Place and Job Creation/Youth Dev. and amend. Ord. No. 2004-245, Tr. letter, 77, Pssd., 78

JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Reports of, 35; 57; 81; 120; 176; 210; 240; 267; 291; 309; 339

JOINT ENERGY CONSERVATION PROGRAM

Auth. agree. for continued admin. of Joint En-

ergy Conservation Program, Tr. letter, 187, Pssd., 188

JONES, ALBERTON

Auth. amend. agree. for svcs. for Friends & Families of Murdered Children proj. and rescinding Ord. No. 2005-225, Tr. letter, 33, Returned to committee, 33

JOSEPH AVENUE

Approving changes in pav. width of Joseph Ave. between Ward St. and Upper Falls Blvd., Tr. letter, 282, Pub. hear., 270, Pssd., 284

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

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Auth. agree. for funding for 2006 Justice Assistance Grant Program, Tr. letter, 34, Pssd., 35

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KABLACK, WILLIAM

Reso. approving appts. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 309, Adpt., 310

KARIN, DANIEL B.

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KENDIG, BEN

Auth. sale 206-208 Mill St., Tr. letter, 241, Pssd., 242

KESSLER, DENNIS

Reso. approving appt. to Civil Service Commission, Tr. letter, 116, Adpt., 117

KIDTECH PROGRAM

Auth. agree. for Human Svcs. Programs, Tr. letter, 204, Pssd., 205

KING STREET

Approving changes in pavement width of W. Main St. at Canal St. and at Jefferson Ave., and of King St. at W. Main St., and accepting easement, Tr. letter, 111, Pub. hear., 85, Pssd., 112

KLOS, LLOYD E., HISTORICAL FUND

Auth. application and agree. for funding for Roch. Heritage Trail Proj., Tr. letter, 230, Pssd., 231

KNAPP, COREY

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KNICKERBOCKER AVENUE

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KUUMBA CONSULTANTS

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-L-**LA MARKETA**

Auth. acq. by negotiation or condemnation of 804-806 N. Clinton Ave. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 226, Pub. Hear., 215, Held, 227

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Auth. acq. by negotiation or condemnation of 804-806 N. Clinton Ave. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 251, Pub. hear., 244, Pssd., 252

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Auth. application and agree. for energy study of Blue Cross Arena at War Memorial, Tr. letter, 35, Pssd., 36

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 99, Pssd., 100

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 100, Pssd., 100

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 100, Pssd., 100

LABOR RELATIONS CONSULTATION SERVICES

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 209, Pssd., 209

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L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

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Auth. sub-lease agree. for space in Area A NET Office, Tr. letter, 87, Pssd., 88

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 110, Pub. hear., 85, Pssd., 111

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L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

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LANDMARK BUILDING REHABILITATION PROJECT

Auth. agree. for Neighborhood Improvement Program, Tr. letter, 125, Pssd., 126

LANDMARK SOCIETY OF WESTERN NEW YORK, INC.

Auth. agree. for Home Room Program, Tr. letter, 186, Pssd., 187

Auth. application and agree. for Olmsted Parks System Interpretive Signage Proj. and amend. 2006-07 Budget, Tr. letter, 324, Pssd., 325

LANDSCAPE SERVICES

Establishing max. comp. for professional svcs. agree. for repairs to 400 Dewey Ave. retaining wall, Tr. letter, 277, Pssd., 277

LANGUAGE TRAINING

Amend. Proposed 2006-07 Budget of the City in regard to Police language training - \$15,000, Tr. letter, 168, Pssd., 168

LASER SHOWS

Establishing max. comp. for professional svcs. agree. for High Falls Laser Shows, Tr. letter, 179, Pssd., 180

LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

LEAD AGENCY

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 11, Pssd., 12

LEAD PAINT

Auth. agree. for lead poisoning prevention svcs., Tr. letter, 21, Pssd., 22

Amend. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of Mun. Code, Tr. letter, 40, Pssd., 41

Adopting amend. Environmental Review Statement of Findings for Mun. Code revisions with respect to Lead-Based Paint Poisoning Prevention, Tr. letter, 40, Pssd., 42

Auth. agree. for Get The Lead Out Program, Tr. letter, 188, Pssd., 189

Auth. agree. for Lead-Safe Rental Housing Program, Tr. letter, 224, Pssd., 224

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Auth. agree. for Human Svcs. Programs, Tr. letter, 204, Pssd., 205

LEADERSHIP ROCHESTER URBAN FELLOWS PROGRAM

Amend. Proposed 2006-07 Budget of the City in regard to Leadership Roch. Urban Fellows Program - \$10,000, Tr. letter, 167, Pssd., 167

LEARN TO SWIM PROGRAM

Auth. acceptance of grant and amend. 2005-06 Budget for Learn to Swim Program, Tr. letter, 30, Pssd., 30

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Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

Auth. agree. for continued lease of space for Area E NET Office, Tr. letter, 87, Pssd., 87

Auth. sub-lease agree. for space in Area A NET Office, Tr. letter, 87, Pssd., 88

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estate, Tr. letter, 89, Pssd., 91
 Auth. lease agree. for space at Lincoln Branch Library, Tr. letter, 223, Pssd., 223
 Auth. lease of River St. Train Depot, Tr. letter, 231, Pssd., 232
 Auth. agree. for Communi-Tech Proj., Tr. letter, 237, Pssd., 238
 Auth. agree. for lease of space for Downtown St. Maint. Div., Tr. letter, 253, Pssd., 253
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 Approving rental increase for renewal term of lease agree. for materials storage, Tr. letter, 309, Pssd., 309
 Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 317, Pssd., 317
 Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 339, Pssd., 340
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Auth. agree. for Landlord and Tenant Services, Tr. letter, 127, Pssd., 128

LEGAL ASSISTANCE OF WESTERN NEW YORK

Auth. agree. for Landlord and Tenant Services, Tr. letter, 127, Pssd., 128

LEGAL SERVICES

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2006-07 Budget, Tr. letter, 216, Pssd., 216

LEON AND R'S COLLISION

Auth. professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 144, Pssd., 144

LEXINGTON AVENUE

Approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 253, Pssd., 254

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 Auth. lease agree. for space at Lincoln Branch Library, Tr. letter, 223, Pssd., 223
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 Auth. license agree. for use of City property, Tr.

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LIFE SCIENCE LABORATORIES

Establishing max. comp. for amend. professional svcs. agree. for water testing svcs., Tr. letter, 9, Pssd., 9

LIFESPAN

Auth. agree. relating to Lifespan Training and amend. 2005-06 Budget, Tr. letter, 175, Pssd., 175

LIGHTFOOT, JOHN F., COUNCILMEMBER

Negative vote, Return Int. No. 40 to committee, Adpt., 33; Ord. No. 2006-130, Pssd., 120; Ord. No. 2006-134, Pssd. 126; Ord. No. 2006-137, Pssd., 128; Ord. No. 2006-288, Pssd., 253; Ord. No. 2006-368, Pssd., 314; Ord. No. 2006-369, Pssd., 314; Ord. No. 2006-390, Pssd., 337; Ord. No. 2006-391, Pssd., 339
 Amend. Proposed 2006-07 Budget of the City in regard to Fire Dept. recruitment - \$5,000, Tr. letter, 166, Pssd., 167
 Amend. Proposed 2006-07 Budget of the City in regard to Leadership Roch. Urban Fellows Program - \$10,000, Tr. letter, 167, Pssd., 167
 Amend. Proposed 2006-07 Budget in regard to positive lifestyle television promotion - \$8,000, Tr. letter, 167, Pssd., 168

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Establishing max. comp. for sound and lighting svcs., Tr. letter, 155, Pssd., 156
 Approving Business Programs, Tr. letter, 177, Pssd., 178

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Establishing max. comp. for professional svcs. agree. for High Falls Laser Shows, Tr. letter, 179, Pssd., 180

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Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 144, Pssd., 145
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LITCHFIELD STREET

Auth. decrease in pav. width of Litchfield St. at intersection with W. Main St., Tr. letter, 302, Pub. hear., 293, Pssd., 303

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Establishing max. comp. for professional svcs. agree. for Mayor's Summit on Literacy and amend. 2006-07 Budget, Tr. letter, 259, Pssd., 259

LLOYD E. KLOS HISTORICAL FUND

Auth. application and agree. for funding for Roch. Heritage Trail Proj., Tr. letter, 230, Pssd., 231

LOANS

Auth. amend. 2005-06 Community Dev. Program Plan and agreements to extend float loans and funding for Roch. Housing Dev. Fund Corp., Tr. letter, 23, Pub. hear., 18, Pssd., 24
 Auth. amend. 2005-06 Community Dev. Program Plan and agree. to establish float loan and funding for Roch. Housing Dev. Fund Corp., Tr. letter, 43, Pub. hear., 36, Pssd., 44
 Approving property tax exemption and auth. lieu-of-tax agree. for St. Michael's II Apartments Proj. and auth. loan agree., Tr. letter, 65, Pssd., 65

Auth. amend. 2005-06 City Dev. Fund Plans and agree. for float loans for Loss Reserve Accounts for HUD Asset Control Area Partnership Program and amend. Ord. No. 2006-19 and 2005-344, Tr. letter, 66, Pub. hear., 63, Pssd., 67

Auth. assumption of fast ferry loan, Tr. letter, 83, Pssd., 84

Auth. agree. with NeighborWorks Roch. for Revolving Loan Fund Program, Tr. letter, 127, Pssd., 127

Approving Business Programs, Tr. letter, 177, Pssd., 178

Approving loan agree. for Wilson Commencement Park Rental Housing Proj., Tr. letter, 299, Pssd., 301

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for State lobbying svcs., Tr. letter, 53, Pssd., 54

Establishing max. comp. for professional svcs. agree. for Federal lobbying svcs., Tr. letter, 330, Pssd., 331

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1553 - L.I.O. - Snow removal at Public Market, Tr. letter, 49, Pub. hear., 37, Pssd., 50

1554 - L.I.O. - Security at Public Market, Tr. letter, 49, Pub. hear., 37, Pssd., 50

1555 - L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

1556 - L.I.O. - Establishing and operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 70, Pub. hear., 63, Pssd., 71

1557 - L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Road Open Space District, Tr. letter, 71, Pub. hear., 63, Pssd., 72

1558 - L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 93, Pub. hear., 84, Pssd., 93

1559 - L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander Open Space District and auth. agree., Tr. letter, 110, Pub. hear., 84, Pssd., 110

1560 - L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 110, Pub. hear., 85, Pssd., 111

1561 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 121, Pub. hear., 85, Pssd., 122

1562 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 122, Pub. hear., 85, Pssd., 122

1563 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 122, Pub. hear., 85, Pssd., 123

1564 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 172

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1 - Local Law amend. City Charter in order to make it gender neutral, Tr. letter, 27, Pssd., 28

2 - Local Law amend. City Charter with respect to Cyber Security Citizens' Notification Policy, Tr. letter, 75, Pssd., 76

3 - Local Law adding HF Technologies facili-

ties to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 82, Pssd., 82

4 - Local Law amend. City Charter with respect to name and functions of Dept. of Parks, Recreation and Human Svcs., Tr. letter, 173, Pssd., 173

5 - Local Law extending Residential-Commercial Urban Exemption Program, Tr. letter, 177, Pssd., 177

6 - Local Law adding Advantage Machine Facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 240, Pssd., 241

7 - Local Law reallocating 2006-07 debt-incurring power between City and City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Pssd., 299

8 - Local Law amend. City Charter with respect to Abatement of Nuisances, Tr. letter, 311, Pssd., 313

LONG, M. BROWN

Auth. amend. agree. for svcs. for Friends & Families of Murdered Children proj. and rescinding Ord. No. 2005-225, Tr. letter, 33, Returned to committee, 33

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LU ENGINEERS

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 99, Pssd., 100

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 415 Orchard St. and 354 Whitney St., Tr. letter, 101, Pssd., 102

Auth. agree. for Durant Eastman Beach Master Plan and amend. 2006-07 Budget, Tr. letter, 302, Pssd., 302

LUBELLE, JACK G., FOUNDATION

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LUNSFORD LANE

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LYELL AVENUE

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LYELL AVENUE BUSINESS ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

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Establishing max. comp. for professional svcs. agree. for Genesee Valley Park pool mechanical system replacement, Tr. letter, 323, Pssd., 324

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MAIN STREET ARMORY, LLC

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Reso. approving appointments. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5
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MALVERN STREET

Approp. funds for Glendale Park Group Curb Replacement Proj., Tr. letter, 26, Pssd., 27

MANHATTAN SQUARE

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 106, Pssd., 107
Bond Ord. auth. issuance of \$2,200,000 bonds to finance cost of Phase II improvements to Manhattan Sq. Park, Tr. letter, 106, Pssd., 108
Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 339, Pssd., 340

MANN, THOMAS

Reso. approving appt. to Examining Board of Plumbers, Tr. letter, 271, Pssd., 272

MAPLEWOOD NEIGHBORHOOD ASSOCIATION

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MARINA

Auth. application and agree. for funding for boat marina at Port of Roch., Tr. letter, 279, Pssd., 280

MARK IV CONSTRUCTION

Establishing max. comp. for amend. professional svcs. agree. for Brooks Landing Revitalization Proj. and amend. Ord. No. 2003-267 relating to Corn Hill Landing Proj., Tr. letter, 22, Pssd., 23
Auth. lease of River St. Train Depot, Tr. letter, 231, Pssd., 232

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Auth. agree. for Adopt-A-Lot Program, Tr. letter, 48, Pssd., 49
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MARLIN, EUGENIO

Reso. approving appt. to City Planning Commission, Tr. letter, 6, Adpt., 6

MARQUIS MEDIA LLC

Auth. agree. for advertising in municipal parking garages and amend. Ord. No. 2006-59, Tr. letter, 81, Pssd., 82

MARTIN, J., SOLUTIONS

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 209, Pssd., 209

MARY MAGDALENE HOUSE

Auth. agree. for Human Svcs. Programs, Tr. letter, 204, Pssd., 205

MARYLAND STREET

Approp. funds for Glendale Park Group Curb Replacement Proj., Tr. letter, 26, Pssd., 27

MAURO, GARY

Reso. approving appt. to Examining Board of Plumbers, Tr. letter, 271, Pssd., 272

MAUSER, RICHARD ALFRED, ARCHITECTS

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Establishing max. comp. for professional svcs. agree. for Mayor's Summit on Literacy and amend. 2006-07 Budget, Tr. letter, 259, Pssd., 259

MCANDREW, PAUL

Reso. approving appts. to Roch. Preservation Board, Tr. letter 19, Adpt., 20

MCFADDEN, ADAM C., COUNCILMEMBER

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Amend. 2006-07 Budget of the City in regard to family and victims svcs. - \$22,000, Tr. letter, 163, Pssd., 164
Amend. Proposed 2006-07 Budget of the City in regard to summer camp - \$10,000, Tr. letter, 165, Pssd., 166
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MECHANICAL ENGINEERING SERVICES

Establishing max. comp. for professional svcs. agree. for Genesee Valley Park pool mechanical system replacement, Tr. letter, 323, Pssd., 324

MEDICAL SERVICES

Establishing max. comp. for amend. profes-

sional svcs. agree. for medical svcs. for Emergency Communications Dept., Tr. letter, 207, Pssd., 208

Establishing max. comp. for professional svcs. agree. for medical svcs. for civilian employees, Tr. letter, 330, Pssd., 330

Establishing max. comp. for professional svcs. agree. for medical svcs. for uniformed employees, Tr. letter, 334, Pssd., 335

MERCER HUMAN RESOURCE CONSULTING, INC.

Establishing max. comp. for professional svcs. agree. for actuary svcs., Tr. letter, 51, Pssd., 52; Tr. letter, 262, Pssd., 263

Establishing max. comp. for amend. professional svcs. agree. for actuary svcs., Tr. letter, 158, Pssd., 158

MERCHANTS/WINTON ROAD OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Road Open Space District, Tr. letter, 71, Pub. hear., 63, Pssd., 72

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

MESICK, COHEN, WILSON, BAKER ARCHITECTS, LLP

Establishing max. comp. for professional svcs. agree. for improvements to City Hall, Tr. letter, 143, Pssd., 143

METRO COUNCIL FOR TEEN POTENTIAL

Auth. agree. for human svcs. proj., Tr. letter, 238, Pssd., 238

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MIDDLE FALLS CROSSING PROJECT

Auth. acceptance of easements for Middle Falls Crossing Proj. of Genesee Riverway Trail, Tr. letter, 231, Pssd., 231

MIDDLEBROOK COLLISION

Auth. professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 144, Pssd., 144

MIDTOWN PARKING GARAGE

Establishing max. comp. for professional svcs. agree. for repairs to Midtown Parking Garage, Tr. letter, 291, Pssd., 292

MIDTOWN PLAZA

Auth. option agree. for purchase of Midtown Plaza, Tr. letter, 313, Pssd., 314

Establishing max. comp. for amend. professional svcs. agree. for bldg. evaluation of Midtown Plaza, Tr. letter, 313, Pssd., 314

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MIDWEST STUDENT SUPPORT SERVICES CENTER

Auth. agree. relating to Roch. After School Academy Program and amend. 2005-06 Budget, Tr. letter, 156, Pssd., 157

MILDRED JOHNSON ESTATES

Auth. sale of real estate for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 322

Approving property tax exemption and auth. in-

lieu-of-tax agreement for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

MILK-BONE COMPANY

Auth. grant agree. for police dog and amend. 2005-06 Budget, Tr. letter, 34, Pssd., 34

MILL STREET

Auth. sale 206-208 Mill St., Tr. letter, 241, Pssd., 242

MILLER, DANA K., COUNCILMEMBER

Reso. adopting rules of Council, Adpt., 4

Reso. approving appointment by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5

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Amend. Proposed 2006-07 Budget of the City in regard to Leadership Roch. Urban Fellows Program - \$10,000, Tr. letter, 167, Pssd., 167

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MINORITY BUSINESS ENTERPRISE COUNCIL

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MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANY

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Auth. amend. agree. with County of Monroe for operation and maintenance of Durand Eastman Beach, accepting easements and amend. 2005-06 Budget, Tr. letter, 153, Pssd., 153

Auth. agree. with County of Monroe for Emergency Training and Information Network (ETIN), Tr. letter, 174, Pssd., 174

Auth. agree. for Youth Violence Strike Force and amend. 2006-07 Budget, Tr. letter, 209, Pssd., 210

Auth. amend. agree. for Operating Practices Council of Public Safety Training Facility, Tr. letter, 217, Pssd., 217

Auth. agree. for Lead-Safe Rental Housing Program, Tr. letter, 224, Pssd., 224

Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 252, Pssd., 253

Auth. agree. with County of Monroe for firearms instruction, Tr. letter, 264, Pssd., 265

Auth. agree. with respect to Project IMPACT III and amend. 2006-07 Budget, Tr. letter, 264, Pssd., 265

Auth. agree. with County of Monroe for funding under 2006 STOP DWI Program, Tr. letter, 264, Pssd., 265

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Auth. applications and agree. for funding under Shared Municipal Svcs. Program, Tr. letter, 278, Pssd., 278

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Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2005-06 Budget, Tr. letter, 56, Pssd., 56

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Establishing max. comp. for professional svcs. agree. for outdoor concerts, Tr. letter, 120, Pssd., 120

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Reso. endorsing grant application for Monroe Village Task Force, Tr. letter, 318, Adpt., 319

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Auth. agree. for Youth Violence Strike Force and amend. 2006-07 Budget, Tr. letter, 209, Pssd., 210

Auth. agree with respect to Project IMPACT III and amend. 2006-07 Budget and Ord. No. 2006-306, Tr. letter, 290, Pssd., 291

Auth. agree. for reimbursement of police overtime costs and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 308

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Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

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Dedication of additional parcel for Gregory St., Tr. letter, 280, Pub. hear., 270, Pssd., 281

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Auth. amend. agree. for Operating Practices Council of Public Safety Training Facility, Tr. letter, 217, Pssd., 217

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Bond ord. auth. issuance of \$850,000 bonds to finance cost of environmental clean-up at former Delco Site at 354 Whitney St. and 415 Orchard St., Tr. letter, 200, Pssd., 201

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Auth. agree. for Housing Opportunities For Persons With AIDS Program, auth. amend. program plans and amend. Ordinances to transfer funds, Tr. letter, 42, Pub. hear., 36, Pssd., 43

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Auth. amend. 2005-06 City Dev. Fund Plans and agree. for float loans for Loss Reserve Accounts for HUD Asset Control Area Partnership Program and amend. Ord. No. 2006-19 and 2005-344, Tr. letter, 66, Pub. hear., 63, Pssd., 67

Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

Amend. Ord. No. 2005-333 and approp. funds for Roch. After School Academy Program, Tr. letter, 74, Pssd., 75

Amend. 2004-05 Community Dev. Program by transferring funds for Proj. Safe Place and Job Creation/Youth Dev. and amend. Ord. No. 2004-245, Tr. letter, 77, Pssd., 78

Auth. agree. for advertising in municipal parking garages and amend. Ord. No. 2006-59, Tr. letter, 81, Pssd., 82

Auth. sale of real estate and amend. Ord. No. 2005-233, Tr. letter, 86, Pssd., 87

Amend. Ord. No. 2006-7 relating to operation of public waterfront facilities, Tr. letter, 86, Pssd., 87

Amend. 2001-02 through 2005-06 Consolidated Community Dev. Plans by transferring funds for Homebuyer Assistance Program, and amend. ordinances, auth. agree. and approp. funds, Tr. letter, 134, Pub. hear., 124, Pssd., 135

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Amend. change in pav. width of Atlantic Ave. west of Culver Rd. as approved in Ord. No. 2005-11 and a decrease in pav. width of Culver Rd. south of Atlantic Ave., auth. agree. and approp. funds, Tr. letter, 147, Pub. hear., 124, Pssd., 148

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Amend. 2003-04 Consolidated Community Dev. Plan by transferring funds for Glendale Park Group Curb Replacement Proj. and amend. Ord. No. 2004-108, Tr. letter, 201, Pub. hear., 183, Pssd., 202

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Amend. Ord. No. 2003-347 relating to apprenticeship programs for certain public works contracts, Tr. letter, 211, Held, 212

Auth. sale of real estate and amend. Ord. No. 2006-60, as amend. by Ord. No. 2006-148, Tr. letter, 272, Pssd., 273

Establishing max. comp. for amend. professional svcs. agree. for Smith St. Bridge Improvement Proj. and amend. Ord. No. 2005-128, Tr. letter, 276, Pssd., 277

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Auth. agree with respect to Project IMPACT III and amend. 2006-07 Budget and Ord. No. 2006-306, Tr. letter, 290, Pssd., 291

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Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

Auth. agree. for Sector Targeted Initiative Programs and amend. Ord. No. 2005-342, Tr. letter, 318, Pssd., 318

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Auth. amend. agree. for svcs. for Friends & Families of Murdered Children proj. and rescinding Ord. No. 2005-225, Tr. letter, 33, Returned to committee, 33

Establishing max. comp. for agree. for 2006 MusicFest and repealing Ord. No. 2005-398, Tr. letter, 61, Pssd., 62

Auth. application and agree. for Friends & Families of Murdered Children Proj., repealing Ord. No. 2005-255 and amend. 2005-06 Budget, Tr. letter, 117, Pssd., 118

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Auth. acq. by donation, negotiation or condemnation of parcel and permanent easements for Atlantic Ave. Improvement Proj., Tr. letter, 147, Pssd., 148

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Auth. agree. for advertising in municipal parking garages and amend. Ord. No. 2006-59, Tr. letter, 81, Pssd., 82

L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 93, Pub. hear., 84, Pssd., 93

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Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

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Establishing max. comp. for amend. professional svcs. agree. for design svcs. for demolition of Old Mortimer St. Garage, Tr. letter, 242, Pssd., 242

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Auth. agree. and application for NY Empire State Dev. Corp. grant and approp. funds for reconstruction of South Ave. Parking Garage, Tr. letter, 243, Pssd., 243

Auth. agree. for recovery of insurance proceeds for South Ave. Garage, Tr. letter, 258, Pssd., 259

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 267, Pssd., 267

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Parking Garage, Tr. letter, 291, Pssd., 291

Establishing max. comp. for professional svcs. agree. for repairs to Midtown Parking Garage, Tr. letter, 291, Pssd., 292

Auth. a Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 310, Pssd., 311

Establishing max. comp. for professional svcs. agree. for Port of Roch. transportation and parking study, Tr. letter, 325, Pssd., 325

Auth. agree. for continued operation of South Ave. Garage, Tr. letter, 340, Pssd., 341

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Auth. agree. for Adams St. Playground as part of Sector Targeted Funding Initiative Program, Tr. letter, 92, Pssd., 93

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 100, Pssd., 100

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ROCHESTER FERRY COMPANY LLC

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Reso. approving appointment by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5

Auth. agree. with Roch. Ferry Co. for operational obligations and expenditures relating to sale of fast ferry, Tr. letter, 15, Pssd., 16

Auth. sale of fast ferry, Tr. letter, 83, Pssd. 83

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Auth. agree. with Roch Ferry Co., LLC, for completion of it business and auth. its dissolution, Tr. letter, 83, Pssd., 84

ROCHESTER GAS AND ELECTRIC CORPORATION

Auth. acceptance of easements for Middle Falls Crossing Proj. of Genesee Riverway Trail, Tr. letter, 231, Pssd., 231

ROCHESTER GENERAL HOSPITAL

Approving increase in pav. width of Carter St. at entrance to Roch. General Hosp., Tr. letter, 254, Pub. hear., 244, Pssd., 255

ROCHESTER HERITAGE TRAIL PROJECT

Auth. application and agree. for funding for Roch. Heritage Trail Proj., Tr. letter, 230, Pssd., 231

ROCHESTER HOUSING AUTHORITY

Auth. agree. relating to Double A Summer Camp Program, Tr. letter, 157, Pssd., 157

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 237, Pssd., 237

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION

Auth. amend. 2005-06 Community Dev. Program Plan and agreements to extend float loans and funding for Roch. Housing Dev. Fund Corp., Tr. letter, 23, Pub. hear., 18, Pssd., 24

Auth. amend. 2005-06 Community Dev. Program Plan and agree. to establish float loan and funding for Roch Housing Dev. Fund Corp., Tr. letter, 43, Pub. hear., 36, Pssd., 44

Auth. amend. 2005-06 City Dev. Fund Plans and agree. for float loans for Loss Reserve Accounts for HUD Asset Control Area Partnership Program and amend. Ord. No. 2006-19 and 2005-344, Tr. letter, 66, Pub. hear., 63, Pssd., 67

Auth. agree. for Home Roch. Program, Tr. letter, 129, Pssd., 129

Auth. agree. for Asset Control Area Program, Tr. letter, 131, Pssd., 131

Approving Special Residential Rehab. Proj. Program and auth. agree., Tr. letter, 225, Pssd., 226

Auth. extension of agree. for Asset Control Area Program, Tr. letter, 295, Pssd., 296

ROCHESTER ICE HOCKEY OFFICIALS, INC.

Establishing max. comp. for professional svs. agree. for hockey referees, Tr. letter, 261, Pssd., 261

ROCHESTER INSTITUTE OF TECHNOLOGY

Establishing max. comp. for professional svs. agree. for crime analysis svs., Tr. letter, 217, Pssd., 217

Auth. agree. for Proj. Safe Neighborhoods Program grant and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 308

ROCHESTER INTERNATIONAL JAZZ FESTIVAL

Establishing max. comp. for agree. for Roch. International Jazz Festival, Tr. letter, 77, Pssd., 77

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approving applications, agree. and 2007 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 328, Pssd., 329

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for professional svs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 260, Pssd., 261

ROCHESTER PRESERVATION BOARD

Reso. approving appts. to Roch. Preservation Board, Tr. letter 19, Adpt., 20

Reso. approving reappointment to Roch Preservation Board, Tr. letter, 40, Adpt., 40

ROCHESTER PURE WATERS DISTRICT

Establishing max. comp. for professional svs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

ROCHESTER SCHOOL FOR THE DEAF

Auth. agree. relating to Roch After School Academy II Program, Tr. letter, 115, Pssd., 116

ROCHESTER STEP-OFF EVENT

Approp. funds for Roch. Step-Off Event, Tr. letter, 117, Pssd., 117

ROCHESTER URBAN RENEWAL AGENCY

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 339, Pssd., 340

Approving lease by Roch. Urban Renewal Agency to Strong National Museum of Play of Mun. Lot No. 3, Tr. letter, 342, Pssd., 342

ROTHFUSS, ALAN R., JR.

Reso. approving appt. to Electrical Examining Board, Tr. letter, Tr. letter, 224, Adpt., 224

RUNDEL LIBRARY FOUNDATION

Acceptance of library grant and amend. 2005-06 Budget, Tr. letter, 64, Pssd., 64

RUNDEL PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

RUSH, TOWN OF

Approving release of easement in Town of Rush, Tr. letter, 10, Pssd., 10

RYAN, ALLEY

Amend. Official Map by abandonment of portion of Dryer Alley between Anson Place and Ryan Alley and renaming remaining portions of Dryer Alley as Anson Place and Ryan Alley, Tr. letter, 250, Pub. hear., 244, Pssd., 250

RYAN, THOMAS P., JR.

Bond ord. auth. issuance of \$2,027,400 bonds to finance initial cost of planning and implementing design of and constr. of renovations to Audubon School No. 33 as part of Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Add. and Renovations Proj., Tr. letter, 59, Pssd., 60

Auth. agree. with Roch. City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj. and auth. exception to City School District debt limit, Tr. letter, 59, Pssd., 61

Reso. auth. exception to City School District debt limit for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Adpt., 299

Local Law reallocating 2006-07 debt-incurring power between City and City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Pssd., 299

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SAFETY STUDY

Ratifying max. comp. for professional svcs. agree. for safety study of South Ave. Parking Garage, Tr. letter, 121, Pssd., 121

Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

ST. JOSEPH'S VILLA

Auth. agree. for Disproportionate Minority Contact Discretionary Program grant and amend. 2006-07 Budget, Tr. letter, 306, Pssd., 309

ST. MARTIN'S PLACE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

ST. MICHAEL'S II

Approving property tax exemption and auth. in-lieu-of-tax agree. for St. Michael's II Apartments Proj. and auth. loan agree., Tr. letter, 65, Pssd., 65

Amend. 2005-06 Consolidated Community Dev. Plan by transferring funds for St. Michael's II Apts. Proj. and amend. Ord. No. 2006-67, Tr. letter, 135, Pub. hear., 124, Pssd., 136

ST. PAUL STREET

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 110, Pub. hear., 85, Pssd., 111

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SALEM EVANGELICAL CHURCH OF ROCHESTER, NY

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SALVATION ARMY

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. agree. for Human Svcs. Program, Tr. letter, 304, Pssd., 305

SANTIAGO, GLADYS, COUNCILMEMBER

Reso. for nomination and selection of Vice President for Roch. City Council, Adpt., 1

Reso. for selection and appt. of City Clerk, Adpt., 1

Amend. Proposed 2006-07 Budget in regard to youth basketball programs - \$6,000, Tr. letter, 166, Pssd., 166

Amend. Proposed 2006-07 Budget in regard to positive lifestyle television promotion - \$8,000, Tr. letter, 167, Pssd., 168

Amend. Proposed 2006-07 Budget of the City in regard to Police language training - \$15,000, Tr. letter, 168, Pssd., 168

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SCHOOL #41 MENTORING PROGRAM

Auth. agree. for human svcs. proj., Tr. letter, 238, Pssd., 238

SEAT BELT ENFORCEMENT PROGRAM

Auth. applications and agree. with respect to traffic enforcement programs and amend. 2005-06 Budget, Tr. letter, 33, Pssd., 34

SECTOR 3

Auth. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Funding Initiative Program, Tr. letter, 92, Pssd., 93

Approving mini grant program, Tr. letter, 274, Pssd., 275

SECTOR 4

Approp. funds for Sector programs, Tr. letter, 38, Pssd., 39

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SECTOR 8

Auth. agree. for Neighborhood Improvement Program, Tr. letter, 125, Pssd., 126

SECTOR TARGETED INITIATIVE PROGRAM

Auth. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Funding Initiative Program, Tr. letter, 92, Pssd., 93

Auth. agree. for Adams St. Playground as part of Sector Targeted Funding Initiative Program, Tr. letter, 92, Pssd., 93

Auth. agree. for Sector Targeted Initiative Programs and amend. Ord. No. 2005-342, Tr. letter, 318, Pssd., 318

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L.I.O. - Security at Public Market, Tr. letter, 49, Pub. hear., 37, Pssd., 50

Local Law amend. City Charter with respect to Cyber Security Citizens' Notification Policy, Tr.

letter, 75, Pssd., 76

Amend. Proposed 2006-07 Budget in regard to park security personnel - \$27,000, Tr. letter, 164, Pssd., 165

Amend. 2006-07 Budget of the City in regard to security cameras - \$5,000, Tr. letter, 165, Pssd., 165

Adopting National Incident Management System (NIMS), Tr. letter, 174, Pssd., 175

Approving Business Programs, Tr. letter, 177, Pssd., 178

Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Auth. applications and agree. with respect to traffic enforcement programs and amend. 2005-06 Budget, Tr. letter, 33, Pssd., 34

SENECA PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

SENIOR CITIZENS

Amend. Mun. Code with respect to sr. citizens tax exemption, Tr. letter, 263, Pub. hear., 244, Pssd., 264

SEWERS

Bond ord. auth. issuance of \$100,000 bonds to finance cost of constr. and reconstruction of certain sewers improvements related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Bond Ord. auth. issuance of \$50,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 106

Bond ord. auth. issuance of \$92,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 152

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Auth. acq. of permanent easement in Town of Lima, Tr. letter, 301, Pssd., 301

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Auth. applications and agree. for funding under Shared Municipal Svs. Program, Tr. letter, 278, Pssd., 278

Auth. application and agree. for Law Enforcement Terrorism Prevention Program grant and amend. 2006-07 Budget and Ord. No. 2006-322, Tr. letter, 306, Pssd., 308

SHMIGEL, BORIS, M.D.

Establishing max. comp. for professional svs. agree. for medical svs. for uniformed employees, Tr. letter, 334, Pssd., 335

SIBLEY PLACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

SIDEWALKS

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 172

SIEGRIST, PETER

Reso. approving appts. to Roch. Preservation Board, Tr. letter 19, Adpt., 20

SIGNAGE

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Approving Business Programs, Tr. letter, 177, Pssd., 178

Auth. application and agree. for Olmsted Parks System Interpretive Signage Proj. and amend. 2006-07 Budget, Tr. letter, 324, Pssd., 325

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Reso. renaming Sister Cities Bridge, Tr. letter, 247, Adpt., 248

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SISTERS TOGETHER ACHIEVING RESULTS

Auth. agree. for Human Svs. Programs, Tr. letter, 204, Pssd., 205

SMITH, AUDREY

Auth. amend. agree. for svs. for Friends & Families of Murdered Children proj. and rescinding Ord. No. 2005-225, Tr. letter, 33, Returned to committee, 33

SMITH STREET

Establishing max. comp. for amend. professional svs. agree. for Smith St. Bridge Improvement Proj. and amend. Ord. No. 2005-128, Tr. letter, 276, Pssd., 277

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L.I.O. - Snow removal at Public Market, Tr. letter, 49, Pub. hear., 37, Pssd., 50

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 172

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 232, Pssd., 233

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 28, Pssd., 29

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 114, Pssd., 114

Approving applications, agree. and 2007 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 328, Pssd., 329

SOFIA COLLISION

Auth. professional svs. agree. for motor vehicle collision repair svs., Tr. letter, 144, Pssd., 144

SOJOURNER HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

SOUND SERVICES

Establishing max. comp. for sound and lighting svs., Tr. letter, 155, Pssd., 156

SOUTH AVENUE/ALEXANDER OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander Open Space District and auth. agree., Tr. letter, 110, Pub. hear., 84, Pssd., 110

SOUTH AVENUE PARKING GARAGE

Auth. agree. for operation of South Ave. Parking Garage, Tr. letter, 57, Pssd., 58

Ratifying max. comp. for professional svcs. agree. for safety study of South Ave. Parking Garage, Tr. letter, 121, Pssd., 121

Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

Bond ord. auth. issuance of \$1,600,000 bonds to finance additional cost of constr. of structural improvements to South Ave. Parking Garage, Tr. letter, 180, Pssd., 182

Auth. agree. and application for NY Empire State Dev. Corp. grant and approp. funds for reconstruction of South Ave. Parking Garage, Tr. letter, 243, Pssd., 243

Auth. agree. for recovery of insurance proceeds for South Ave. Garage, Tr. letter, 258, Pssd., 259

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Parking Garage, Tr. letter, 291, Pssd., 291

Auth. agree. for continued operation of South Ave. Garage, Tr. letter, 340, Pssd., 341

SOUTH AVENUE RECREATION CENTER

Auth. agree. for recreational svcs., Tr. letter, 259, Pssd., 260

SOUTH CLINTON AVENUE

Changing zoning class. of 90-98 Alexander St., 573-625 S. Clinton Ave. and 300 Hamilton St. from R-2 Medium Density Residential to R-2 Medium Density Residential/O-B Overlay Boutique, Tr. letter, 227, Pub. hear., 215, Pssd., 228

SOUTH EAST AREA COALITION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds, amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd., 199

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Reso. endorsing grant application for Monroe Village Task Force, Tr. letter, 318, Adpt., 319

SOUTH WEDGE PLANNING COMMITTEE

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SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 48, Pssd., 49

Auth. agree. relating to Roch After School Academy II Program, Tr. letter, 115, Pssd., 116

Amend. 2004-05 and 2005-06 Consolidated Community Dev. Plans by transferring funds, amend. ord. and auth. agree. for Residential Assistance Program, Tr. letter, 198, Pub. hear., 183, Pssd.,

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Amend. Proposed 2006-07 Budget of the City in regard to Police language training - \$15,000, Tr. letter, 168, Pssd., 168

SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing and operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 70, Pub. hear., 63, Pssd., 71

SPECIAL EVENTS

Reso. amend. Reso. No. 85-10 relating to policy for police svcs. at special events, Tr. letter, 217, Held, 218; Tr. letter, 266, Adpt., 267

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Establishing max. comp. for professional svcs. agree. for High Falls and special projects oversight, Tr. letter, 212, Pssd., 212

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SPECIAL RESIDENTIAL REHABILITATION PROJECTS PROGRAM

Approving Special Residential Rehab. Proj. Program and auth. agree., Tr. letter, 225, Pssd., 226

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

SPRINGUT GROUP, INC.

Establishing max. comp. for professional svcs. agree. for outdoor concerts, Tr. letter, 120, Pssd., 120

STANTEC CONSULTING GROUP, INC.

Establishing max. comp. for amend. professional svcs. agree. for brownfield svcs. at 399 Gregory St., Tr. letter, 8, Pssd., 9

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 106, Pssd., 107

STANTON CAPIZZI PARTNERSHIP

Auth. sale of property at Public Mkt., Tr. letter, 233, Pssd., 234

STEP-OFF

Approp. funds for Roch. Step-Off Event, Tr. letter, 117, Pssd., 117

STEVENS, MARK

Reso. approving appts. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 309, Adpt., 310

STEVENSON, ROBERT J., COUNCILMEMBER

Amend. Proposed 2006-07 Budget in regard to park security personnel - \$27,000, Tr. letter, 164, Pssd., 165

Amend. 2006-07 Budget of the City in regard

to security cameras - \$5,000, Tr. letter, 165, Pssd., 165
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STOP DWI PROGRAM

Auth. agree. with County of Monroe for funding under 2006 STOP DWI Program, Tr. letter, 264, Pssd., 265

STREET CLEANING

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 172

STREET LIGHTING SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 110, Pub. hear., 85, Pssd., 111

STREET MALLS

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

STREETS

Approp. funds for Glendale Park Group Curb Replacement Proj., Tr. letter, 26, Pssd., 27

Amend. Official Map by abandonment of portion of Sunset St. and auth. sale of abandonment area, Tr. letter, 44, Pub. hear., 36, Pssd., 45

Bond ord. auth. issuance of \$110,000 bonds to finance reconstruction of var. water mains related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 47

Bond ord. auth. issuance of \$100,000 bonds to finance cost of constr. and reconstruction of certain sewers improvements related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 48

Approving Norton St. Improvement Proj. between Portland Ave. and East City line and changes in pav. width of Norton St., Tr. letter, 72, Pub. hear., 63, Pssd., 73

Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

Dedication of extension of Edith St., Tr. letter, 93, Pub. hear., 84, Pssd., 94

Bond Ord. auth. issuance of \$800,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 104

Establishing max. comp. for professional agree. for Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 106

Approving changes in pavement width of W. Main St. at Canal St. and at Jefferson Ave., and of King St. at W. Main St., and accepting easement, Tr. letter, 111, Pub. hear., 85, Pssd., 112

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Bond ord. auth. issuance of \$1,325,000 bonds to finance reconstruction of certain streets related to Street Improvement Program, Tr. letter, 145, Pssd., 146

Auth. acq. by donation, negotiation or condemnation of parcel and permanent easements for Atlantic Ave. Improvement Proj., Tr. letter, 147, Pssd., 148

Amend. change in pav. width of Atlantic Ave. west of Culver Rd. as approved in Ord. No. 2005-11 and a decrease in pav. width of Culver Rd. south of Atlantic Ave., auth. agree. and approp. funds, Tr. letter, 147, Pub. hear., 124, Pssd., 148

Bond ord. auth. issuance of \$1,033,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 150

Establishing max. comp. for professional svcs. agree. for Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter 149, Pssd., 152

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 172

Amend. 2003-04 Consolidated Community Dev. Plan by transferring funds for Glendale Park Group Curb Replacement Proj. and amend. Ord. No. 2004-108, Tr. letter, 201, Pub. hear., 183, Pssd., 202

Approving decrease in pavement width of Trinidad St. between Hebard St. and N. Union St., Tr. letter, 202, Pub. hear., 183, Pssd., 202

Approving changes in pavement width of Glide St. between Emerson St. and Lyell Ave., Tr. letter, 202, Pub. hear., 183, Pssd., 203

Amend. Official Map by abandonment of portion of Driving Park Ave. from Ridgeway Ave. to its south end, Tr. letter, 249, Pub. hear., 244, Pssd., 249

Amend. Official Map by abandonment of portion of Dryer Alley between Anson Place and Ryan Alley and renaming remaining portions of Dryer Alley as Anson Place and Ryan Alley, Tr. letter, 250, Pub. hear., 244, Pssd., 250

Changing traffic flow of portion of Dryer Alley between Anson Place and S. Union Street, being renamed as Anson Place, from one-way eastbound to one-way westbound, Tr. letter, 250, Pub. hear., 244, Pssd., 251

Approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 253, Pssd., 254

Approving increase in pav. width of Carter St. at entrance to Roch. General Hosp., Tr. letter, 254, Pub. hear., 244, Pssd., 255

Auth. acq. by negotiation or condemnation of parcel for Gregory St. Public Improvement Proj., Tr. letter, 280, Pssd., 281

Dedication of additional parcel for Gregory St., Tr. letter, 280, Pub. hear., 270, Pssd., 281

Approving changes in pav. width of Gregory St. between Mt. Hope Ave. and S. Clinton Ave., Tr. letter, 280, Pub. hear., 270, Pssd., 282

Approving changes in pav. width of Joseph Ave. between Ward St. and Upper Falls Blvd., Tr. letter, 282, Pub. hear., 270, Pssd., 284

Auth. decrease in pav. width of Litchfield St. at intersection with W. Main St., Tr. letter, 302, Pub. hear., 293, Pssd., 303

Dedication of Lunsford Lane, Coretta Scott Crossing and extension of Champlain St., Tr. letter, 319, Pub. hear., 316, Pssd., 321

STREETSCAPES

L.I.O. - Establishing and operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 70, Pub. hear., 63, Pssd., 71

Auth. application and agree. for Capital Proj. Multi-Modal Program grant for W. Main St.

Streetscape Proj. and approp. funds, Tr. letter, 302, Pssd., 303

STRIDIRON, ANDREA R.

Reso. approving appts. to Board of Ethics, Tr. letter, 113, Adpt., 114

STRONG NATIONAL MUSEUM OF PLAY

Approving lease by Roch. Urban Renewal Agency to Strong National Museum of Play of Mun. Lot No. 3, Tr. letter, 342, Pssd., 342

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Establishing max. comp. for professional svcs. agree. for medical svcs. for civilian employees, Tr. letter, 330, Pssd., 330

SUBSTANCE ABUSE PREVENTION PROGRAM

Auth. agree. for substance abuse prevention program, Tr. letter, 287, Pssd., 288

SUCHY, DONNA P.

Reso. approving reappointment to City Planning Commission, Tr. letter, 40, Adpt., 40

SULLIVAN, VALERIE

Establishing max. comp. for professional svcs. agree. for Teen Court Program, Tr. letter, 288, Pssd., 288

SUMMER CAMP

Auth. agree. relating to Double A Summer Camp Program, Tr. letter, 157, Pssd., 157

Amend. Proposed 2006-07 Budget of the City in regard to summer camp - \$10,000, Tr. letter, 165, Pssd., 166

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Auth. appl. and agree. for 2006 Summer Food Service Program for Children, Tr. letter, 156, Pssd., 156

SUMMER OF OPPORTUNITY PROGRAM

Auth. agree. relating to 2006 Summer of Opportunity Program, Tr. letter, 158, Pssd., 160

Auth. agree. for 2006 Summer of Opportunity Program, Tr. letter, 206, Pub. hear., 183, Pssd., 206

SUMNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

SUNSET STREET

Amend. Official Map by abandonment of portion of Sunset St. and auth. sale of abandonment area, Tr. letter, 44, Pub. hear., 36, Pssd., 45

SURPLUS PROPERTY

Auth. agree. for lease of surplus property, Tr. letter, 262, Pssd., 262

SUSAN B. ANTHONY APARTMENTS

Auth. grant agree. for Susan B. Anthony Apts. Proj., Tr. letter, 297, Pssd., 297

SUSAN B. ANTHONY NEIGHBORHOOD

Amend. Proposed 2006-07 Budget in regard to Susan B. Anthony Neighborhood design charette - \$2,500, Tr. letter, 168, Pssd., 169

Auth. agree. for Sector Targeted Initiative Programs and amend. Ord. No. 2005-342, Tr. letter,

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Approp. funds for Glendale Park Group Curb Replacement Proj., Tr. letter, 26, Pssd., 27

TAIT, ROBERT C.

Reso. approving appts. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 309, Adpt., 310

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Approving Business Programs, Tr. letter, 177, Pssd., 178

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Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 12, Pssd., 13

Cancellation of taxes and charges, Tr. letter, 13, Pssd., 14; Tr. letter, 32, Pssd., 32; Tr. letter, 73, Pssd., 74; Tr. letter, 155, Pssd., 155; Tr. letter, 203, Pssd., 204; Tr. letter, 234, Pssd., 235; Tr. letter, 255, Pssd., 256; Tr. letter, 285, Pssd., 285; Tr. letter, 303, Pssd., 304; Tr. letter, 327, Pssd., 328

Approving property tax exemption and auth. in-lieu-of-tax agree. for Urban Park Apts., Tr. letter, 42, Pssd., 42

Approving property tax exemption and auth. in-lieu-of-tax agree. for St. Michael's II Apartments Proj. and auth. loan agree., Tr. letter, 65, Pssd., 65

Determining and certifying base proportions, current percentages, and base percentages for 2005 assessment roll, Tr. letter, 85, Pssd., 85

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2006 assessment roll, Tr. letter, 85, Pssd., 86

Approving apportionment of taxes and charges, Tr. letter, 116, Pssd., 116

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Levying taxes for municipal purposes for fiscal year commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pssd., 171

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2006 and expiring June 30, 2007, Tr. letter, 169, Pub. hear., 124, Pssd., 171

Amend. Mun. Code with respect to sr. citizens tax exemption, Tr. letter, 263, Pub. hear., 244, Pssd., 264

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

Approving property tax exemption and auth. in-lieu-of-tax agreement for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 321, Held, 323

TAXICAB DRIVERS

Amend. Mun. Code with respect to licenses, Tr. letter, 256, Pssd., 258

TAXICABS

Amend. Mun. Code with respect to licenses, Tr. letter, 256, Pssd., 258

TEEN CITY SOUTHWEST

Auth. agree. for Human Svcs. Programs, Tr. letter, 288, Pssd., 289

TEEN COURT PROGRAM

Establishing max. comp. for professional svcs. agree. for Teen Court Program, Tr. letter, 288, Pssd., 288

TELECOMMUNICATIONS

Establishing max. comp. for professional svcs. agree. for design of Norton St. Improvement Proj. and amend. Ord. No. 2005-95, Tr. letter, 72, Pssd., 73

Auth. agree. for installation of telecommunications equipment, Tr. letter, 101, Pssd., 101

Auth. amend. agree. for installation of fiber optic cable, Tr. letter, 254, Pssd., 254

TELEVISION

Amend. Proposed 2006-07 Budget in regard to positive lifestyle television promotion - \$8,000, Tr. letter, 167, Pssd., 168

THOMAS AVENUE

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 317, Pssd., 317

THOMAS P. RYAN, JR. COMMUNITY CENTER

Bond ord. auth. issuance of \$2,027,400 bonds to finance initial cost of planning and implementing design of and constr. of renovations to Audubon School No. 33 as part of Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Add. and Renovations Proj., Tr. letter, 59, Pssd., 60

Auth. agree. with Roch. City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj. and auth. exception to City School District debt limit, Tr. letter, 59, Pssd., 61

Reso. auth. exception to City School District debt limit for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Adpt., 299

Local Law reallocating 2006-07 debt-incurring power between City and City School District for Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Proj., Tr. letter, 298, Pssd., 299

THYROFF & THYROFF, LLC

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 339, Pssd., 340

TOBACCO SALES ENFORCEMENT PROGRAM

Auth. agree. with County of Monroe for Tobacco Sales Enforcement Program, Tr. letter, 290, Pssd., 290

TOBIN, PATRICK

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 194, Adpt., 194

TOPS FRIENDLY MARKETS

Auth. grant agree. for police dog and amend. 2005-06 Budget, Tr. letter, 34, Pssd., 34

TOWING

Amend. Mun. Code with respect to licenses, Tr. letter, 256, Pssd., 258

TOY LIBRARY

Amend. Proposed 2006-07 Budget of the City in regard to toys for public library - \$2,000, Tr. letter, 166, Pssd., 166

TRAFFIC ENFORCEMENT

Auth. applications and agree. with respect to

traffic enforcement programs and amend. 2005-06 Budget, Tr. letter, 33, Pssd., 34

TRAFFIC FLOW, CHANGING

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TRAILS

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

Auth. application and agree. for funding for Roch. Heritage Trail Proj., Tr. letter, 230, Pssd., 231

Auth. acceptance of easements for Middle Falls Crossing Proj. of Genesee Riverway Trail, Tr. letter, 231, Pssd., 231

TRAIN DEPOT

Auth. lease of River St. Train Depot, Tr. letter, 231, Pssd., 232

TRAINING

Amend. Proposed 2006-07 Budget of the City in regard to Police language training - \$15,000, Tr. letter, 168, Pssd., 168

Auth. agree. relating to Lifespan Training and amend. 2005-06 Budget, Tr. letter, 175, Pssd., 175

TRANSPORTATION

Establishing max. comp. for professional svcs. agree. for Port of Roch. transportation and parking study, Tr. letter, 325, Pssd., 325

TRINIDAD STREET

Approving decrease in pavement width of Trinidad St. between Hebard St. and N. Union St., Tr. letter, 202, Pub. hear., 183, Pssd., 202

TRIVENI DIGITAL INC.

Establishing max. comp. for amend. professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 55, Pssd., 56

TROUP HOWELL BRIDGE

Approving participation in Phase II of I-490 Western Gateway Proj. - Troup Howell Bridge, Tr. letter, 109, Pssd., 110

Approving maintenance and energy agree. for Phase II of I-490 Western Gateway Proj. - Troup Howell Bridge, Tr. letter, 109, Pssd., 110

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UNITED STATES CONFERENCE OF MAYORS

Auth. acceptance of grant for CUSP funds, appropriating funds and auth. agree., Tr. letter, 247, Pssd., 247

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Auth. applications and agree. and amend. 2005-06 Budget for fire prevention and safety, Tr. letter, 119, Pssd., 119

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. amend. 2005-06 City Dev. Fund Plans and agree. for float loans for Loss Reserve Accounts for HUD Asset Control Area Partnership Program and amend. Ord. No. 2006-19 and 2005-344, Tr. letter, 66, Pub. hear., 63, Pssd., 67

Auth. submission of Consolidated Community Dev. Plan/2006-07 Annual Action Plan and execution of grant agree. with United States Dept. of Housing and Urban Dev., Tr. letter, 94, Pssd., 97

Auth. extension of agree. for Asset Control Area

Program, Tr. letter, 295, Pssd., 296

UNITED STATES DEPARTMENT OF JUSTICE

Auth. agree. for funding for 2006 Justice Assistance Grant Program, Tr. letter, 34, Pssd., 35

UNITED STATES DEPARTMENT OF THE INTERIOR

Auth. application and agree. for Olmsted Parks System Interpretive Signage Proj. and amend. 2006-07 Budget, Tr. letter, 324, Pssd., 325

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Auth. application and agree. for funding for pollution prevention at Durand Eastman Beach, Tr. letter, 279, Pssd., 279

UNITED STATES FEDERAL BUREAU OF INVESTIGATION

Auth. agree. with FBI for fueling of vehicles, Tr. letter, 108, Pssd., 108

UNITED WAY SERVICES CORP.

Auth. agree. for human svcs. proj., Tr. letter, 238, Pssd., 238

UNIVERSITY AVENUE

Approving acq. of 214, 220, and 226 University Ave., for Roch. City School District, Tr. letter, 51, Pssd., 51

UNIVERSITY OF ROCHESTER

Establishing max. comp. for amend. professional svcs. agree. for medical svcs. for Emergency Communications Dept., Tr. letter, 207, Pssd., 208

UP ALL NIGHT

Establishing max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 14, Pssd., 15; Tr. letter, 341, Pssd., 341

UPSTATE NEW YORK MINORITY PURCHASING COUNCIL

Amend. 2006-07 Budget relating to sponsorship of 2007 Upstate NY Minority Purchasing Council's Minority Business Enterprise Conference, Tr. letter, 341, Pssd., 342

URBAN LEAGUE OF ROCHESTER

Auth. agree. for Adopt-A-Block Program, Tr. letter, 39, Pssd., 39

URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. agree. for housing dev. svcs., Tr. letter, 132, Pssd., 133

URBAN PARK APARTMENTS

Approving property tax exemption and auth. in-lieu-of-tax agree. for Urban Park Apts., Tr. letter, 42, Pssd., 42

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

URBAN RENEWAL

Auth. acq. by negotiation or condemnation of 804-806 N. Clinton Ave. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 226, Pub. Hear., 215, Held, 227

Determination and findings relating to acq. of 804-806 N. Clinton Ave. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 251,

Pssd., 251

Auth. acq. by negotiation or condemnation of 804-806 N. Clinton Ave. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 251, Pub. hear., 244, Pssd., 252

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

Designating parcels to be known as Midtown Plaza Urban Renewal District, Tr. letter, 339, Pssd., 339

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 339, Pssd., 340

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VAN DUSEN, ERIC

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 40, Adpt., 40

VAZQUEZ, JULIO

Reso. confirming appt. of Commissioner of Community Dev., Tr. letter, 17, Adpt., 18

VENDING

Amend. Mun. Code with respect to vending in Center City and Harbortown areas, Tr. letter, 305, Pssd., 306

VERONA STREET

Bond Ord. auth. issuance of \$800,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 104

Bond Ord. auth. issuance of \$180,000 bonds to finance reconstruction of various water mains in the City related to Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 105

Bond Ord. auth. issuance of \$50,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 106

Establishing max. comp. for professional agree. for Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 106

VETERAN'S OUTREACH CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 175, Pssd., 175

VICTIMS SERVICES

Amend. 2006-07 Budget of the City in regard to family and victims svcs. - \$22,000, Tr. letter, 163, Pssd., 164

Reso. of budgetary intent - family and victim svcs. counselors, Tr. letter, 164, Adpt., 164

VINCENT STREET

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

VOLUNTEERS OF AMERICA

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

VOTING MACHINES

Amend. Mun. Code with respect to elections, Tr. letter, 286, Pssd., 286

VOYAGER BOAT SALES

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 317, Pssd., 317

VOYAGER SYSTEMS

Establishing max. comp. for professional svcs. agree. for Police Records Management System, Tr. letter, 117, Pssd., 117

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WCP HOUSING DEVELOPMENT FUND CORPORATION

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

Approving loan agree. for Wilson Commencement Park Rental Housing Proj., Tr. letter, 299, Pssd., 301

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

WJE ENGINEERS & ARCHITECTS, PC

Ratifying max. comp. for professional svcs. agree. for safety study of South Ave. Parking Garage, Tr. letter, 121, Pssd., 121

Establishing max. comp. for agreements for South Ave. Parking Garage, approp. funds and amend. 2005-06 Budget, Tr. letter, 180, Pssd., 182

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Parking Garage, Tr. letter, 291, Pssd., 291

WXXI PUBLIC BROADCASTING

Auth. agree. for Communi-Tech Proj., Tr. letter, 237, Pssd., 238

WAGES AND SALARIES

Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 237, Pssd., 237

WALKER, GARY

Reso. approving appointments. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 5, Adpt., 5

WALKER, SHERRY

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 40, Adpt., 40

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WATER

Establishing max. comp. for amend. professional svcs. agree. for water testing svcs., Tr. letter, 9, Pssd., 9

Bond ord. auth. issuance of \$110,000 bonds to finance reconstruction of var. water mains related to Jefferson Ave. and Brown St. Pub. Imp. Proj., Tr. letter, 45, Pssd., 47

Bond Ord. auth. issuance of \$180,000 bonds to finance reconstruction of various water mains in the City related to Verona St. (Jay St. to Morrie Silver Way) Pub. Improvement Proj., Tr. letter, 103, Pssd., 105

Amend. Mun. Code with respect to wholesale

water rates, Tr. letter, 144, Pssd., 145

Bond ord. auth. issuance of \$380,000 bonds to finance reconstruction of various water mains in the City related to Street Improvement Program, Tr. letter, 145, Pssd., 147

Bond ord. auth. issuance of \$200,000 bonds to finance construction of var. water mains in related to Hollenbeck St. (Norton St. to E. Ridge Rd.) Public Improvement Proj., Tr. letter, 149, Pssd., 151

Establishing max. comp. for professional svcs. agree. for reservoir study, Tr. letter, 152, Pssd., 153

Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 252, Pssd., 253

WATER BUREAU

Auth. amend. agree. for installation of fiber optic cable, Tr. letter, 254, Pssd., 254

WATER SPORTS

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

WATERFRONT

Auth. agree. for operation of public waterfront facilities, Tr. letter, 10, Pssd., 11

Amend. Ord. No. 2006-7 relating to operation of public waterfront facilities, Tr. letter, 86, Pssd., 87

Auth. applications and agree. for grant funds, Tr. letter, 140, Pssd., 140

WEBSTER AVENUE

Auth. agree. for continued lease of space for Area E NET Office, Tr. letter, 87, Pssd., 87

WEBSTER AVENUE COMMUNITY CENTER

Auth. agree. for recreational svcs., Tr. letter, 259, Pssd., 260

WEIDER, JOHN R.

Reso. approving appts. to Board of Ethics, Tr. letter, 113, Adpt., 114

WERNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2006-07, Tr. letter, 69, Pub. hear., 63, Pssd., 70

WEST BLOOMFIELD, TOWN OF

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 144, Pssd., 145

WEST BROAD STREET

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 100, Pssd., 100

WEST MAIN STREET

Approving changes in pavement width of W. Main St. at Canal St. and at Jefferson Ave., and of King St. at W. Main St., and accepting easement, Tr. letter, 111, Pub. hear., 85, Pssd., 112

Auth. application and agree. for Capital Proj. Multi-Modal Program grant for W. Main St. Streetscape Proj. and approp. funds, Tr. letter, 302, Pssd., 303

WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

Reso. approving appt. to Western Regional Off-Track Betting Corp., Tr. letter, 256, Adpt., 256

WHITCOMB, ANDREA

Establishing max. comp. for professional svcs.

agree. for continuation of "Greta Program", Tr. letter, 253, Pssd., 253

WHITNEY STREET

Establishing max. comp. for professional svs. agree. for environmental cleanup of 415 Orchard St. and 354 Whitney St., Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$850,000 bonds to finance cost of environmental clean-up at former Delco Site at 354 Whitney St. and 415 Orchard St., Tr. letter, 200, Pssd., 201

WILKINS STREET

Amend. Ord. No. 2005-71 relating to sale of real estate, Tr. letter, 293, Pssd., 294

WILMAC

Establishing max. comp. for professional svs. agree. for emergency communications systems, Tr. letter, 208, Pssd., 208

WILSON BOULEVARD

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 110, Pub. hear., 85, Pssd., 111

WILSON COMMENCEMENT PARK

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Approving sale by Roch. Urban Renewal Agency to WCP Housing Dev. Fund Corp. of 225-235 Joseph Ave. in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 299, Pub. hear., 293, Pssd., 300

Approving loan agree. for Wilson Commencement Park Rental Housing Proj., Tr. letter, 299, Pssd., 301

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

WISHCAMPER GROUP

Approving property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park Rental Housing Proj. and amend. Ord. No. 2006-39, Tr. letter, 299, Pssd., 301

WOLF, GEORGE

Reso. approving appts. to Roch. Public Library Board of Trustees, Tr. letter, 298, Adpt., 298

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YMCA OF GREATER ROCHESTER

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 114, Pssd., 114

Auth. agree. for Human Svs. Programs, Tr. letter, 288, Pssd., 289

YWCA OF ROCHESTER AND MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 28, Pssd., 29

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 88, Pssd., 89

Auth. agree. for Adolescent Parenthood Proj., Tr. letter, 160, Pssd., 160

YAQOOB, KHALID

Auth. acq. by donation, negotiation or condemnation of parcel and permanent easements for Atlantic Ave. Improvement Proj., Tr. letter, 147, Pssd., 148

YOUNG AUDIENCES

Auth. agree. for Human Svs. Programs, Tr. letter, 204, Pssd., 205

YOUNG EXPLOSIVES

Establishing max. comp. for professional svs. agree. for High Falls Laser Shows, Tr. letter, 179, Pssd., 180

YOUNG MALES PROJECT

Auth. agree. for Human Svs. Program, Tr. letter, 304, Pssd., 305

YOUTH VIOLENCE STRIKE FORCE

Auth. agree. for Youth Violence Strike Force and amend. 2006-07 Budget, Tr. letter, 209, Pssd., 210

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ZIMMER-MEYER, HEIDI

Reso. approving appt. to City Planning Commission, Tr. letter, 6, Adpt., 6

ZONING BOARD OF APPEALS

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 40, Adpt., 40; Tr. letter, 194, Adpt., 194; Tr. letter, 271, Adpt., 271

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Changing zoning class. of 90-98 Alexander St., 573-625 S. Clinton Ave. and 300 Hamilton St. from R-2 Medium Density Residential to R-2 Medium Density Residential/O-B Overlay Boutique, Tr. letter, 227, Pub. hear., 215, Pssd., 228

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